



# CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Introduce Ordinance Adding Chapter 15.65 to the Lodi Municipal Code Establishing the San Joaquin County Regional Transportation Impact Fee (RTIF) Program and Set Public Hearing for January 4, 2006, to Consider Adoption of the Fee

**MEETING DATE:** December 21, 2005

**PREPARED BY:** Public Works Director

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**RECOMMENDED ACTION:** That the City Council introduce an ordinance adding Chapter 15.65 to the Lodi Municipal Code Establishing the San Joaquin County Regional Transportation Fee (RTIF) Program and set a public hearing for January 4, 2006, to consider actual adoption of the fee.

**BACKGROUND INFORMATION:** The San Joaquin Council of Governments (COG), with the participation of our City Council representative and staff, has studied and adopted a new fee program to help pay for regional transportation improvements. Such a program was encouraged as part of Measure K – the ½-cent transportation sales tax in this County. (A local transportation fee is required as part of Measure K.)

The COG has asked San Joaquin County and each City to adopt this program (see letter, Exhibit A). A presentation on this subject was made to the City Council at its meeting of November 16, 2005, by City and COG staff. The action being requested at this meeting introduces the ordinance that would become part of the Municipal Code. The actual fee would be adopted by resolution following adoption of the ordinance. In addition, the Council will be asked to authorize execution of an operating agreement between the City and the COG regarding administration of the fee program.

The RTIF Program consists of:

- Technical Report dated October 27, 2005 (the “nexus study”) – Exhibit B – This report provides the technical documentation and analysis supporting the fee program and the maximum fee.
- Operating Agreement – Exhibit C – This agreement details the procedures for setting, collecting and administering the fees and will be considered following the public hearing in January.
- City Ordinance – This ordinance is based on the model ordinance provided by COG and provides the legal basis for implementing the fee program.
- Model Resolution – Exhibit D – This model resolution actually sets the fees and will be considered following the public hearing in January.

Some of the highlights of the Program are:

- A. The proposed fees are:
- \$2,500 per single-family dwelling
  - \$1,500 per multi-family dwelling unit

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APPROVED:   
Blair King, City Manager

- \$1.00 per retail building square foot
  - \$1.25 per office building square foot
  - \$0.75 per industrial building square foot
- B. The fee is automatically adjusted each July 1 by the change in the Engineering News Record Construction Cost Index.
- C. The fees are to be solely used for projects listed in the technical report.
- D. 10% of the funds collected by Cities are provided to San Joaquin County for RTIF projects located within the unincorporated area.
- E. 10% of the funds collected by each agency are provided to the COG for State Highway projects on the RTIF list.
- F. 5% of the funds collected by each agency are provided to the COG for transit improvements on the RTIF list.
- G. 75% of the funds collected by each City (85% County) may be retained by the agency for RTIF projects at their discretion or provided to COG for an RTIF project. A city could agree to transfer a higher amount to the agencies described in D, E, and F for specific projects.
- H. Up to 2% of the first million dollars retained by each agency may be used for administrative costs (plus up to 1% of amounts over one million).
- I. RTIF funds are to be kept in a separate fund and inter-fund borrowing is specifically prohibited, except within the RTIF program.
- J. Semi-annual and annual reporting to COG is required.
- K. Except for the annual index adjustment, there is a 5-year "freeze" on the fees and the program, with 5-year updates following.
- L. Provisions for fee credits or reimbursements to developers for RTIF projects built by development projects are included, similar to the City's fee program.
- M. The City will need to evaluate its own transportation fee program, due to adoption of the RTIF to eliminate any double-counting of projects/funding.

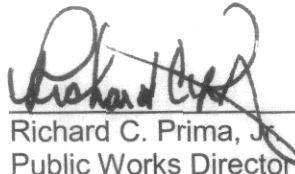
In keeping with the intent of Measure K and recognizing the growing need for transportation funding, City staff is supportive of the RTIF.

**FISCAL IMPACT:**

Additional transportation funding actually available to Lodi will depend on development activity. The City's current fee for transportation projects is \$12,969 per low-density residential acre or approximately \$2,600 per single-family unit. Clearly, the RTIF would be a significant increase in available funding.

**FUNDING AVAILABLE:**

Not applicable.



Richard C. Prima, Jr.  
Public Works Director

RCP/pmf  
Attachments

cc: Wally Sandelin, City Engineer  
SJCOG - Andy Chesley  
Pennino & Associates



## SAN JOAQUIN COUNCIL OF GOVERNMENTS

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November 1, 2005

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LODI,  
MANTEGA,  
RIPON,  
STOCKTON,  
TRACY,  
AND  
THE COUNTY OF  
SAN JOAQUIN

Mr. Blair King, City Manager  
City of Lodi  
221 W. Pine Street  
Lodi, CA 95240

Dear Mr. King:

On October 27, 2005, the Board of Directors of the San Joaquin Council of Governments (SJCOG) unanimously adopted the Regional Transportation Impact Fee (RTIF) program. Enclosed for the City of Lodi's review are the RTIF Technical Report, Ordinance, and Operating Agreement. In addition, a Draft Resolution designed to be used by each participating agency to establish the San Joaquin County RTIF Program Fees is enclosed for your review.

The consulting firm of Pennino & Associates has been secured by SJCOG to coordinate the presentation of the RTIF program with all jurisdictions. It is SJCOG's goal to present the RTIF program to all jurisdictions during the months of November and December. Within the next week, you will be contacted to arrange for the RTIF program to be scheduled for action by the Lodi City Council.

It is at the discretion of each jurisdiction to adopt the RTIF program by ordinance or by resolution. Whatever approach the City of Lodi plans to pursue, SJCOG staff will be available to assist in any way possible.

Please direct any questions regarding the RTIF program documents to Michael Swearingen, SJCOG Senior Regional Planner at (209) 468-3913.

Thank you for your immediate attention to the delivery the RTIF Program to the City Council for their review and consideration.

Sincerely,

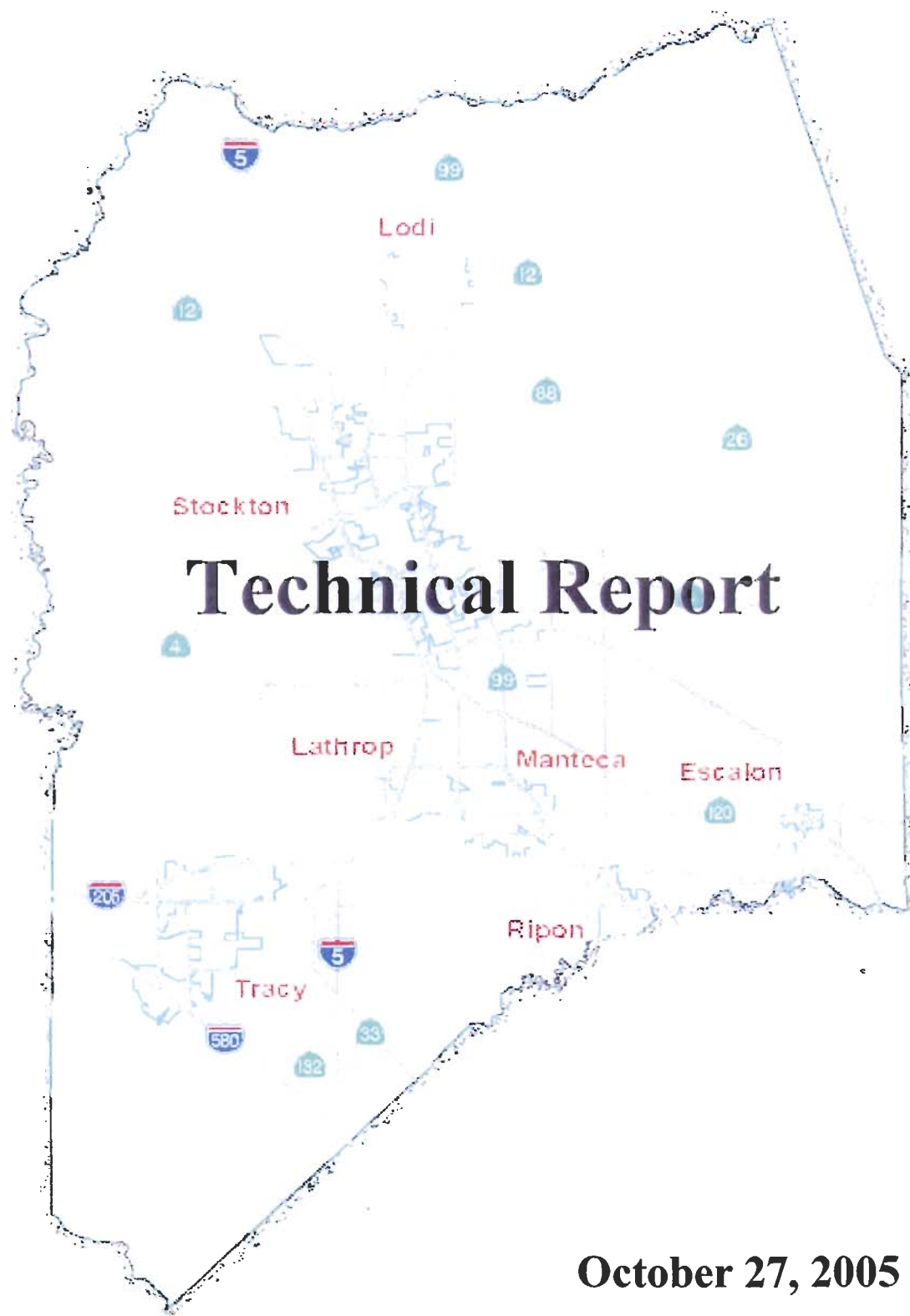
ANDREW T. CHESLEY  
Interim Executive Director

cc Council Member, Larry D. Hansen

NOV 01 2005  
CITY MANAGER'S OFFICE



# REGIONAL TRANSPORTATION IMPACT FEE



October 27, 2005



Economic &  
Planning Systems  
Real Estate Economics  
Regional Economics  
Public Finance  
Land Use Policy

## FINAL REPORT

# SAN JOAQUIN REGIONAL TRANSPORTATION IMPACT FEE

Prepared for:

San Joaquin Council of Governments

Prepared by:

Economic & Planning Systems, Inc.  
and  
Fehr & Peers Associates Inc.

October 2005

EPS #15040

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# I. INTRODUCTION AND RESULTS

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This Technical Report is designed to provide participating jurisdictions in San Joaquin Region with the necessary technical documentation and nexus analysis supporting the adoption of a Regional Transportation Impact Fee (RTIF) Ordinance. It has been prepared by Economic & Planning Systems, Inc. (EPS) and Fehr & Peers Associates Inc., with input and guidance from the San Joaquin Council of Governments (SJCOG). The RTIF program described in this Report is based on current growth projections and infrastructure requirements and is consistent with the most recent relevant case law and the principles of AB1600 or Government Code Section 66000 et seq ("Fees for Development Projects"; except where specific citations are provided, this statute will be referred to in this Report as AB 1600).

Following this introductory chapter, **Chapter II** discusses the land use growth projections used in this analysis and **Chapter III** describes the RTIF capital costs. **Chapter IV** describes the modeling techniques used to establish nexus for the RTIF program and the resulting RTIF program fee calculation by land use category.

## PURPOSE OF PROPOSED FEES AND TECHNICAL REPORT

The RTIF program described in this Report will provide funding for regional transportation improvements required to serve new development and to ensure that existing service levels can be maintained. To the extent that required improvements serve both new and existing development, or travel through the San Joaquin Region, only the portion that is attributable to new development inside the region is included in the RTIF program. It is expected that the RTIF program funding will be augmented by other revenue sources to meet overall funding requirements, particularly Measure K funding and State and Federal Grants.

This Report also provides a schedule of fees to be established by the RTIF Ordinance and/or Resolution. This Report and the technical information it contains should be maintained and reviewed periodically by the SJCOG and participating jurisdictions as necessary to ensure its accuracy and to enable the adequate programming of funding sources. To the extent that improvement requirements, costs, or development potential changes over time, the RTIF program will need to be updated.

The proposed RTIF program fee, if approved, will need to be enabled through adoption by participating jurisdictions of a new Ordinance or Resolution. The enabling Ordinance would allow the jurisdiction to adopt, by Resolution, a fee schedule consistent with supporting technical analysis and findings. The Resolution approach to setting the fee allows periodic adjustments of the fee amount that may be necessary over time, without amending the enabling Ordinance.

## **SUMMARY OF MAXIMUM AND PROPOSED FEES**

A summary of the maximum fees calculated in this RTIF Technical Report by land use category are provided in **Table 1** and summarized below. Because of insufficient data on office growth projection, office category is included as part of the commercial/industrial category.

- \$2,512 per single-family unit
- \$1,542 per multifamily unit
- \$4.65 per retail square foot
- \$2.13 per commercial/industrial square foot

The fees shown above represent the maximum fee that can be charged based on the nexus findings described in this Report. These fees are calculated to generate sufficient revenue to cover the RTIF capital facility costs associated with new development in the County. Participating jurisdictions may as a matter of policy decide to charge a fee below the maximum fee for any or all of the land uses. However, the revenue shortfall to the RTIF program that would result from reducing the fees must be made up by other non-RTIF revenue sources. Specifically, the fee levels for certain land uses cannot be raised to cover revenue shortfalls that result from lowering the fees on other land uses.

SJCOG in conjunction with participating agencies have proposed to charge a fee below the maximum amount legally allowed based on the nexus calculations presented above. A comparison between the maximum RTIF fee and the proposed RTIF fee is presented in **Table 1** of this report.

The fee reduction is based on key stakeholders (i.e., developers, elected officials, city/county officials) goal to mitigate the impact new growth has on the regional transportation system as well as continue to foster economic development, job creation, and sales tax generation. The proposed fees represent a consensus reached by the region's leaders based on the analysis of economic drivers pertinent to the San Joaquin region.

## **IMPLEMENTATION AND LEGAL CONSIDERATIONS**

### **ANNUAL REVIEW**

AB 1600 (at Gov. C. §§ 66001(c), 66006(b)(1)) stipulates that each local agency that requires payment of a fee make specific information available to the public annually within 180 days of the last day of the fiscal year. This information includes the following:

**Table 1**  
**Regional Transportation Impact Fee Amount**  
**San Joaquin RTIF Nexus Study; EPS #15040**

<b>Category</b>	<b>Maximum RTIF Fee</b>	<b>Proposed RTIF Fee</b>
<b>Total Fee Revenue</b>	\$410,230,388	\$374,620,076
<b>Fee Per Single-Family Unit</b>	\$2,512	\$2,500
<b>Fee Per Multi-Family Unit</b>	\$1,542	\$1,500
<b>Fee Per Retail Sqft.</b>	\$4.65	\$1.00
<b>Fee Per Commercial/Industrial Sqft. (1)</b>		
Office	\$2.13	\$1.25
Industrial	\$2.13	\$0.75

(1) The maximum RTIF fee calculation combines office and industrial land use categories due to insufficient data to separate the two categories.

- A description of the type of fee in the account.
- The amount of the fee.
- The beginning and ending balance of the fund.
- The amount of fees collected and interest earned.
- Identification of the improvements constructed.
- The total cost of the improvements constructed.
- The fees expended to construct the improvement.
- The percent of total costs funded by the fee.

If sufficient fees have been collected to fund the construction of an improvement, the agency must specify the approximate date for construction of that improvement. Because of the dynamic nature of growth and infrastructure requirements, participating jurisdictions and the SJCOG should monitor development activity, the need for infrastructure improvements, and the adequacy of the fee revenues and other available funding. Formal annual review of the CFF program should occur, at which time adjustments should be made. Costs associated with this monitoring and updating effort can be included in the RTIF program.

## **SURPLUS FUNDS**

AB 1600 also requires that if any portion of a fee remains unexpended or uncommitted in an account for five years or more after deposit of the fee, the City Council shall make findings once each year: (1) to identify the purpose to which the fee is to be put, (2) to demonstrate a reasonable relationship between the fee and the purpose for which it was charged, (3) to identify all sources and amounts of funding anticipated to complete financing of incomplete improvements, and (4) to designate the approximate dates on which the funding identified in (3) is expected to be deposited into the appropriate fund (§66001(d)).

If adequate funding has been collected for a certain improvement, an approximate date must be specified as to when construction on the improvement will begin. If the findings show no need for the unspent funds, or if the conditions discussed above are not met, and the administrative costs of the refund do not exceed the refund itself, the local agency that has collected the funds must refund them (Gov. C §66001(e)(f)).

## **SECURING SUPPLEMENTAL FUNDING**

The RTIF program identifies \$561 million in capital projects that can be funded in full or in part by impact fee revenue. However, the RTIF revenue generated is itself not sufficient or appropriate for funding the full amount of the RTIF capital projects identified in this Technical Report. For example, out of the \$561 million in RTIF capital projects, approximately \$128 million can be attributable to trips that originate or end outside the San Joaquin Region. The new facility costs attributable to these "external trips" cannot be covered by impact fee revenue. In addition, the SJCOG Board may

approve fee levels that are lower than the maximum amount allowed based on the nexus analysis, further reducing the revenue available to the RTIF program. Thus, to fully implement the RTIF program, the SJCOG will have to obtain funding and pay for improvements not covered by impact fee revenue. Examples of such sources include Measure K funds; CALTRANS funding; and other local, State and federal sources. Ultimately, funding for the entire cost of the RTIF program must be identified and allocated during the life of the RTIF program.

## II. RTIF GROWTH PROJECTIONS

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The RTIF program fee is a one-time fee levied on new development at a rate proportional to its demand for transportation capital improvements. Thus, a forecast of new development in the San Joaquin Region is required to calculate the fee. This Chapter documents the land use growth assumptions used to calculate the RTIF program fee. Specifically, it describes the amount of residential, retail, and commercial/industrial land use development expected to occur in San Joaquin Region through the year 2030. These estimates are used for the following primary purposes in the fee calculation:

- Estimates of existing and future development are used to evaluate future traffic levels and determine the need for transportation improvements in the San Joaquin Region.
- Estimates of future development are used to allocate the costs of required transportation improvements and ultimately to calculate a fee per unit of new growth.

The following sections describe the development projections and the key assumptions underlying them.

### TIME HORIZON

The time horizon for an impact fee program is important because it determines the type and amount of transportation improvements that will be included in the fee program as well as the level of growth these improvements will serve. A longer time horizon will result in more transportation improvements being included in the RTIF program fee because of the added traffic demands from the increased population and jobs that will occur by that future date. A shorter time horizon typically reduces the number of improvements in the RTIF program fee because it includes only those improvements needed to accommodate a lower level of population and employment growth.

There are two ways that the time interval can be set in an impact fee analysis. One approach is to consider all improvements needed through the “build out” of a community’s General Plan. Another approach is to establish a future date, typically before “build out” occurs, which is consistent with forecast data or improvement cycles. Both techniques are used in impact fee technical reports.

This Technical Report is based on a time horizon that ends in the year 2030. This corresponds to the timeframe used in the Regional Transportation Plan (RTP) which specifies the priority transportation projects in the San Joaquin Region, as approved by SJCOG. The timeframe also corresponds to the household and employment projections available for use in this Report, as further described below.

## GROWTH PROJECTIONS

The regional household and employment projections, provided by SJCOG, form the basis for developing growth forecasts by land use category. Specifically, household growth projections are used to estimate future residential development, whereas employment growth projections are used to estimate future retail and commercial/industrial development. The household and employment projections used in this Report are based on standard methodology developed in the 2030 Regional Transportation Plan, which is adopted throughout the San Joaquin Region. **Table 2** summarizes the projection data.

For employment projections, approximately 350 square feet per retail employee and 700 square feet for all other employment categories are assumed to estimate the commercial/industrial development. In addition, an average vacancy rate of 7 percent for retail and commercial/industrial space is also assumed. The allocation of employment into retail and commercial/industrial land use categories is based on the historical employment proportions reported in data approved by the SJCOG.

## DWELLING UNIT EQUIVALENTS

This analysis relies on Dwelling Unit Equivalent (DUE) factors to compare and evaluate future development across land use categories. Specifically, DUE factors compare residential, retail, and commercial/industrial land uses to one another based on their vehicle trip generation rates in order to develop a common metric for analysis. The factors used to convert residential, commercial/industrial, and retail growth into DUEs are shown in **Table 3**, and are based on standard assumptions regarding trip generation and trip diversion.<sup>1</sup> The DUE factors are then used to calculate total DUE growth by land use, as shown in **Table 4**.

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<sup>1</sup> Assumptions based on data from the Institute of Transportation Engineers (ITE) Trip Generation Model (6<sup>th</sup> Edition) and the San Diego Council of Governments (SANDAG) Brief Guide to Vehicular Traffic Generation Rates, July 1998.

**Table 2**  
**Projected Development by Land Use**  
**San Joaquin RTIF Study; EPS #11212**

Category	Year		Total Growth	Avg. Annual Growth
	2005	2030		
<b>Single Family Residential (Units)</b>	165,334	287,943	122,609	2%
<b>Multy-Family Residential (Units)</b>	80,122	111,990	31,868	1.3%
<b>Retail</b>				
Employment	47,347	59,311	11,964	0.9%
Square Feet (1)	15,411,449	19,305,731	3,894,282	0.9%
<b>Commercial/Industrial</b>				
Employment	247,161	272,355	25,194	0.4%
Square Feet (2)	160,901,811	177,303,105	16,401,294	0.4%

(1) Assumes 350 SF per Retail employee, and a 7.0% vacancy rate.

(2) Assumes 700 SF per Commercial / Industrial employee, and a 7.0% vacancy rate.

**Table 3**  
**Dwelling Unit Equivalent Calculation Factors**  
**San Joaquin RTIF Nexus Study; EPS #15040**

<b>Category</b>	<b>Unit</b>	<b>Pk Hour Trip Rate (1)</b>	<b>% New Trips (2)</b>	<b>DUE</b>
<b>Single Family Residential</b>	DU	1.01	100%	1.00
<b>Multi Family Residential</b>	DU	0.62	100%	0.61
<b>Retail</b>	KSF	3.74	50%	1.85
<b>Commercial</b>				
Office	KSF	1.49	65%	0.96
Industrial	KSF	0.88	85%	<u>0.74</u>
<b>Office/Industrial Avg.</b>				0.85

(1) Peak hour trip rate based on ITE Trip Generation Manual, 6th Edition.

(2) Percent new trips based on SANDAG Brief Guide of Vehicular Traffic Generation Rates

**Table 4**  
**Total Dwelling Unit Equivalent Growth**  
**San Joaquin RTIF Nexus Study; EPS #15040**

<b>Unit Type</b>	<b>DUE Growth (2005 - 2030)</b>
<b>Single Family Residential</b>	122,609
<b>Multi-Family Residential</b>	19,563
<b>Retail Square Feet</b>	7,210
<b>Commercial/Industrial Square Feet</b>	<u>13,937</u>
<b>Grand Total</b>	163,319

### III. RTIF CAPITAL PROJECTS AND COSTS

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This chapter documents the transportation improvements included in the RTIF capital project list and their corresponding costs. The RTIF Master Project List was selected based on the inclusion criteria described herein and refined based on funding need. The eligible RTIF capital project list includes all the projects that are assumed to be funded, in full or in part, by RTIF revenue.

#### RTIF PROJECT INCLUSION CRITERIA

The road and transit projects proposed for funding by the RTIF are included in an initial RTIF Master Project List. The RTIF project list is composed of improvements that fall on the “RTIF Network”, a unified system of roadways, transit linkages, and other transportation facilities that confer benefits upon development throughout the County. This network is illustrated in **Figure 1**. The RTIF Network was developed and defined as part of the RTIF planning and policy formulation process.<sup>2</sup>

While an initial RTIF Master Project List has been established as part of this Technical Report, it is recognized that the list of transportation projects may need to be amended over time as circumstances change. As a result, during the RTIF planning process a number of screening criteria were considered and evaluated as a method for selecting the type of projects that would possibly be funded by RTIF revenue. These screening criteria are designed to distinguish projects where the nexus with new development throughout the San Joaquin Region is strong. It is the adherence to the screening criteria that assures that the required “nexus” findings and other requirements of Government Code Section 66000 et seq. are respected.

In order to be included in the RTIF Master Project List, Highway Widening, Interchange and Local Roadway Improvement projects must meet all of the following criteria:

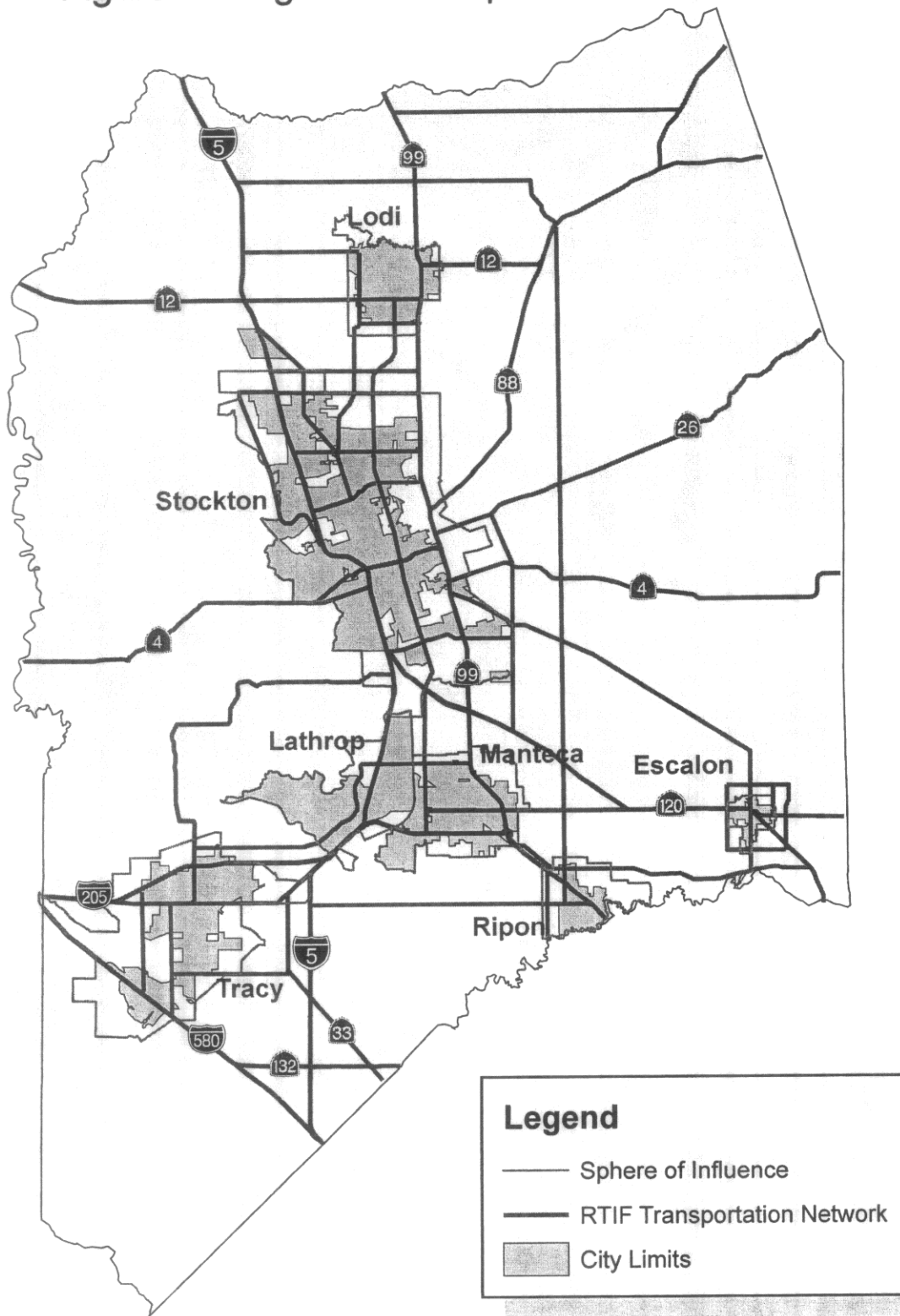
- A. All projects must be part of the RTIF Network;
- B. All projects must be scheduled for delivery within the time horizon of the nexus analysis; and<sup>3</sup>
- C. All projects, except interchange improvements, must involve a capacity improvement of one or more through travel or passing lanes, or auxiliary lanes (i.e., turn lanes).

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<sup>2</sup> The RTIF Network is based on the Congestion Management Program (CMP) network of major facilities of regional significance and supplemented with additional major arterials that serve inter-community travel in San Joaquin County.

<sup>3</sup> All RTIF highway widening, interchange, regional roadway, and public transit projects must be identified in the SJCOG Board adopted RTIF project list and Regional Transportation Plan (RTP) prior to delivery. The current time horizon for the RTP is 2005 – 2030.

Figure 1: Regional Transportation Network



In order to be included in the RTIF Master Project List, all Public Transit projects must satisfy the following criteria: <sup>4</sup>

- A. All projects must be scheduled for delivery within the time horizon of the nexus analysis; and
- B. All projects must involve an improvement to an existing or new service/facility which connects at least two or more cities or regions.

The RTIF nexus fee is based on a combination of highway widening, interchange, and regional roadway projects. The RTIF Master Project List is further refined to ensure that appropriate projects receive necessary funding to complete delivery. These projects were selected from the RTIF Master Project List based on the following:

- A. Currently identified in Tier I of the RTP;
- B. Regional roadway and interchange projects that are in Tier I of the RTP and/or are Measure K Renewal projects; and,
- C. All remaining regional roadway projects which fall on the current SJCOG-Board adopted Regional Transportation Network.

A description of the master and eligible RTIF projects and costs are provided in **Table 5**.

## **CHANGES TO RTIF MASTER PROJECT LIST**

As needs and priorities change over time, on a semi-annual basis, a jurisdiction can exchange any one of their RTIF projects from the RTIF Master Project List with one or more of their projects in Tier I of the RTP. This level of flexibility is intended to help jurisdictions adapt to changes in funding availability and transportation priorities. However, the following conditions need to be met to secure an exchange:

- RTP meets air quality conformity requirements;
- The projects are categorized in Tier I of the RTP. Tier I RTP projects are priority projects for which funding sources have been identified; and,
- RTIF nexus requirements are maintained.

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<sup>4</sup> Examples of regional transit projects include: (a) capital purchase of rolling stock; (b) bus shelters and associated amenities; and, (c) multi-modal stations and associated amenities.

## **ALLOCATION OF ELIGIBLE RTIF COSTS**

RTIF funds represent one source of funding. These funds, combined with other local, state and federal funds ensure the complete delivery of the RTIF transportation project. Based on the multiple funding mechanisms, the following rationale was used to allocate net RTIF costs to fiscally constrain the projects and establish the nexus:

- A. **RTIF Projects currently in Tier I of the RTP** - RTIF gross project costs were compared to the costs programmed in the RTP. The cost differentials between the RTIF/Tier I RTP projects were offset with net eligible RTIF costs.
- B. **Regional roadway/interchange projects in Tier I of the RTP and/or MK Renewal** - These projects have multiple funding mechanisms and will require RTIF funds to ensure delivery. As part of the nexus, 23 percent of the gross project costs were used not to exceed the eligible RTIF net project costs.
- C. **Remaining regional roadway projects** - Nexus fee includes full RTIF costs attributable to new development for all remaining Regional Roadway Projects which fall on the adopted Regional Transportation Network.

The impact of this cost allocation is summarized in **Table 5**. As shown, there are 120 separate RTIF projects with an estimated total capital cost of about \$5.4 billion. Of the total, 48 RTIF projects with a total cost of \$561 million were selected for purposes of calculating the fee amount. This amount reflects to proportion of the projects for which funding sources have not yet been identified. The cost estimates are based on the best information available at the time of this Report. To the extent that this project list and/or the corresponding cost estimates are updated, the maximum fee amount will change accordingly.

**Table 5**  
**RTIF Capital Projects**  
**San Joaquin RTIF Nexus Study; EPS #15040**

ID#	Project	Project Description	RTIF Master Project Costs (2)	Nexus Project Costs (3)
<b>Mainline Highway Projections</b>				
1	SR-99	Widen 4 to 6 lanes using inside median, Arch Road to Crosstown/99 interchange	\$158,000,000	-
2	SR-99	Widen 6 to 8 lanes (Outside), City of Manteca (Yosemite Ave) to City of Ripon (West Ripon Road)	\$203,000,000	-
3	I-5	Widen 6 to 8 lanes (Inside) from Monte Diablo Avenue under crossing to Otto Drive. Add aux. Possible HOV lane.	\$250,000,000	-
4	I-5	Widen 6 to 8 lanes (Inside), French Camp Road to Charter Way	\$228,000,000	-
5	I-5	Widen 6 to 8 lanes (Inside), SR 120 to French Camp Road	\$71,000,000	-
6	I-205	Widen 6 to 8 lanes (Inside/Outside) from I-580 to I-5	\$268,000,000	-
7	SR-4 Extension	New alignment from Fresno Ave. to Daggett Road	\$150,000,000	\$19,843,070
8	SR-99 Widening	Widen 6 to 8 lanes (Outside), Cherokee Road to Armstrong Road	\$100,000,000	-
9	SR-99	Widen 6 to 8 lanes (Outside), Crosstown to Cherokee Road	\$194,000,000	-
10	SR-99	Widen 6 to 8 lanes (Outside), Arch to Crosstown	\$86,000,000	-
11	SR-99 Widening	Widen 4 to 8 lanes (Outside), French Camp Road to Arch Road	\$100,000,000	-
12	I-5	Widen 6 to 8 lanes (Inside), Otto Drive to New Road A (One mile N. of Eight Mile Road)	\$25,000,000	-
13	SR-99 Widening	Widen 8 to 10 lanes (Outside), Mariposa Road to Cherokee Road	\$150,000,000	-
14	SR-4 Crosstown Widening	Widen 6 to 8 lanes, I-5 to SR-99	\$75,000,000	-
15	SR-26 Widening	Widen 6 to 8 lanes, SR-99 to Austin Road Extension	\$30,000,000	-
16	SR-4 Widening	Widen 6 to 8 lanes, SR-99 to Austin Road Extension	\$30,000,000	-
17	SR 99 @ Crosstown Freeway	Reconstruct Freeway to Freeway Interchange	\$30,000,000	-
18	I-5/SR 4 @ Crosstown Freeway	Reconstruct Freeway to Freeway Interchange	\$59,000,000	-
19	I-5/SR-120	New branch connections (2 Lane Structures). SR-120 West to I-5 North, and I-5 South to SR-120 East	\$35,500,000	\$6,640,000
20	SR-120	Widen 4 to 6 lanes (Inside) from I-5 to SR-99	\$54,000,000	-
21	SR-12	Widen 2 to 4 lanes (Outside), add turn lanes, from SR-99 to SR-88	\$50,500,000	\$31,480,000
22	SR-99	New capacity ~ widen 4 to 6 lanes (Inside), from Jct. 12 East to County line.	\$86,000,000	-
23	SR-99	New capacity ~ widen 4 to 6 lanes (Inside), from north of Harney to SR-12 East	\$11,250,000	-
24	I-5	Widen 4 to 6 lanes (Inside), SR-12 to County Line	\$91,000,000	-
25	I-5 Widening	Widen 8 to 10 lanes, Roth Road to Otto Drive	\$400,000,000	-
26	SR-12 @ I-5	Loop Ramps	\$11,250,000	-
27	SR-99 @ SR-88	Reconstruct interchange	\$19,500,000	-
28	SR-99 @ SR-26	Reconstruct interchange	\$19,500,000	-
29	SR-26	New capacity ~ widen 2 to 4 lanes (Outside), Cardinal (diverting canal) to Jack Tone Road	\$48,000,000	-
30	SR-120 West of Escalon	Widen from Jacktone 5 lane conventional to Sexton, new south alignment to McHenry	\$75,000,000	-
31	SR-120 East of Escalon	New south alignment from McHenry to existing 120 @ Harrold, widen to 5 lane conventional to county line	\$25,000,000	-
32	SR-88	Passing lanes, SR-12 to Amador County Line	\$24,000,000	-
<b>Total Mainline Highway Projections</b>			<b>\$3,157,500,000</b>	<b>\$57,963,070</b>
<b>Interchange Modifications, Reconstructions, and Improvements</b>				
33	I-5 @ Lathrop Road	4 lanes under I-5, modify interchange 0.3 miles north and south of Lathrop Road undercrossing	\$17,200,000	\$3,956,000
34	I-205 @ Paradise/Chrisman	Construction of new interchange	\$40,000,000	\$20,800,000
35	SR-99 @ SR-12 (Kettleman Lane)	Reconstruct interchange	\$20,000,000	\$4,600,000
36	SR-99 @ Harney Lane	Reconstruct interchange	\$20,000,000	-
37	SR-99 @ North Main	Construct new interchange	\$8,900,000	-
38	SR-99 @ Austin Road	Reconstruct/Improve Interchange	\$30,000,000	\$6,900,000

**Table 5**  
**RTIF Capital Projects**  
**San Joaquin RTIF Nexus Study; EPS #15040**

ID#	Project	Project Description	RTIF Master Project Costs (2)	Nexus Project Costs (3)
39	SR-120 @ McKinley	Reconstruct/Improve Interchange	\$28,200,000	\$6,486,000
40	SR-99 @ Olive Rd.	Construct Interchange to include connection with River Road	\$40,000,000	\$15,760,000
41	SR-99 @ Eight Mile Road	Reconstruct Interchange (PM 35.1-35.5)	\$36,120,000	\$8,307,600
42	SR-99 @ March Lane/Wilson	New interchange - Construct combined Wilson Way, March Lane Interchange (P.M. 21.1-22.1)	\$100,000,000	\$23,000,000
43	I-5 @ Arch Sperry/French Camp	Modify existing I-5/French Camp Road Interchange (P.M. 20.8-21.2)	\$35,000,000	\$8,050,000
44	SR-99 @ French Camp Road	Reconstruct interchange	\$35,000,000	-
45	SR-99 @ Arch Sperry Road	Phase 2 interchange improvements	\$15,000,000	-
46	SR-99 @ Armstrong Road	Reconstruct interchange	\$35,000,000	-
47	I-5 @ New Road A (N. Gateway)	Construction of new interchange	\$35,000,000	-
48	SR-99 @ New Road A (N. Gateway)	Construction of new interchange	\$35,000,000	-
49	SR-99 @ Morada Lane	Reconstruct interchange	\$35,000,000	\$1,000,000
50	I-5 @ Eight Mile Road	Interchange Modification	\$17,000,000	\$3,910,000
51	I-5 @ Otto Drive	Construction of new interchange	\$42,000,000	\$9,660,000
52	I-5 @ Hammer Lane	Interchange Modification	\$47,000,000	\$10,810,000
53	SR-99 @ Mariposa Road	Reconstruct interchange	\$40,000,000	\$9,200,000
54	SR-99 @ New Road	Construction of new interchange between French Camp Road and Arch-Sperry Road	\$35,000,000	-
55	I-5 @ Matthews Road	Reconstruct interchange	\$35,000,000	-
56	I-5 @ Roth Road	Reconstruct interchange	\$35,000,000	-
57	SR-132 @ I-5 and Bird Road	Upgrade interchange, lengthen ramps, widen approaches, install signal controls	\$10,000,000	-
58	I-580 @ Lammers Road	Construction of new interchange	\$55,000,000	-
59	I-580 @ Coral Hollow Road	Modification of existing interchange	\$20,000,000	-
60	I-205 @ Lammers Road	Construction of new interchange	\$55,000,000	\$12,650,000
61	I-205 @ Grantline Road	Modification of existing interchange	\$30,000,000	\$6,900,000
<b>Total Interchange Modifications, Reconstructions, and Improvements</b>			<b>\$986,420,000</b>	<b>\$151,989,600</b>
<b>Regional Roadway Improvements</b>				
62	Lower Sacramento Road	Widen from 2 to 6 lanes, Eight Mile Road to Marada Lane	\$20,000,000	\$5,000,000
63	Lower Sacramento Road	Widen from 2 to 4 lanes, Armstrong Road to Eight Mile Road	\$10,000,000	-
64	Eight Mile Rd.	Widen from 2 to 8 lanes, I-5 to SR-99. Project involves 2 railroad grade separations.	\$50,000,000	\$11,500,000
65	Pacific Avenue	Widen from 6 to 8 lanes, Hammer Lane to March Lane	\$30,000,000	\$6,900,000
66	March Lane	Widen from 6 to 8 lanes, Claremont to West Lane	\$9,262,000	\$8,162,000
67	March Lane	Construct 8 lane Road from Holman to SR-99	\$25,000,000	\$5,000,000
68	West Lane	Widen from 4 to 6 lanes, Armstrong Road to Eight Mile Road	\$10,000,000	\$9,780,000
69	West Lane	Widen from 4 to 6 In.SPRR s/o Alpine-Calaveras River	\$44,200,000	\$43,669,600
70	West Lane	Widen from 6 to 8 lanes, Eight Mile Road to Alpine Avenue	\$35,000,000	\$33,390,000
71	West Lane/Airport Way	Widen from 4 to 6 lanes, Alpine Avenue to Arch Sperry Road	\$60,000,000	\$55,920,000
72	Airport Way	Widen from 2 to 6 lanes, French Camp Road to Roth Road	\$15,000,000	\$12,435,000
73	Airport Way	Widen from 4 to 8 lanes, Arch/Sperry Road to French Camp Road	\$20,000,000	\$15,960,000
74	New Road A	Construct 4 lanes, I-5 to SR-99. Project involves 2 railroad grade separations.	\$25,000,000	-
75	Thornton Road	Widen from 2 to 6 lanes, Bear Creek to Hammer Lane	\$20,000,000	\$4,600,000
76	Aksland Avenue	Construct 4 lanes, Otto Drive to March Lane	\$10,000,000	\$3,000,000
77	Ryde Avenue Bridge	Construct 4 lane bridge over the Calaveras River	\$5,000,000	-
78	Mariposa Road	Widen from 2 to 8 lanes, SR-99 to Austin Road	\$30,000,000	-

**Table 5**  
**RTIF Capital Projects**  
**San Joaquin RTIF Nexus Study; EPS #15040**

ID#	Project	Project Description	RTIF Master Project Costs (2)	Nexus Project Costs (3)
79	Austin Road	Construct 6 lanes, SR-26 to Main Street	\$10,000,000	-
80	Austin Road	Construct 8 lanes, Main Street to Mariposa Road	\$60,000,000	-
81	Austin Road	Construct 6 lanes, Mariposa Road to Arch Road	\$5,000,000	-
82	Austin Road	Construct 4 lanes, Arch Road to French Camp Road	\$20,000,000	-
83	Arch-Sperry Rd.	Construct 2 to 8 lanes, I-5 to Performance Drive	\$65,000,000	\$14,950,000
84	Arch-Sperry Rd.	Construct 2 to 8 lanes, Performance Drive to Frontier Way	\$35,000,000	\$22,595,000
85	Arch-Sperry Rd.	Widen from 2 to 6 lanes, Frontier Way to Austin Road	\$10,000,000	\$5,690,000
86	French Camp Road	Widen from 2 to 6 lanes, SR-99 to Arch-Sperry Road	\$40,000,000	-
87	Harney Ln.	Widen from 2 to 4 lanes, SR-99 to Lower Sacramento Road (2.6 Miles)	\$12,250,000	\$2,817,500
88	Jack Tone Rd.	Widen from 2 to 4 lanes entire length (SR-99 to SR-88)	\$27,000,000	\$6,210,000
89	Liberty Road	Widen from 2 to 4 lanes, SR-99 to SR-88	\$24,974,000	-
90	Peltier Road	Widen from 2 to 4 lanes, SR-99 to I-5	\$15,500,000	-
91	Peltier Road	Widen from 2 to 4 lanes, SR-99 to Elliott Road	\$25,573,000	-
92	Elliott Road	Widen from 2 to 4 lanes, SR-88 to Peltier Road	\$12,900,000	-
93	Yosemite Ave	Widen from 2 to 4 lanes, City limit to North Ripon Rd. 3.05 miles.	\$4,758,000	-
94	Mariposa Road	Widen from 2 to 4 lanes, Austin Road to Jack Tone Road	\$17,352,000	-
95	Mariposa Road	Widen from 2 to 4 lanes, Jack Tone Road to Escalon-Belota Road	\$20,063,000	-
96	French Camp Road	Widen from 2 to 4 lanes, SR-99 to SR-120	\$26,084,000	-
97	Tracy Boulevard	Passing lanes and channelization	\$21,202,000	-
98	Howard Road	Passing lanes and channelization	\$23,935,000	-
99	Airport Way	Widen from 4 to 6 lanes, Lathrop Road to Roth Road.	\$9,293,000	\$2,137,390
100	Escalon-Belota Road	Widen from 2 to 4 lanes, Mariposa Road to Escalon City limit	\$4,009,000	\$1,519,411
101	Airport Way	Widen from 2 to 4 lanes, Yosemite to SR-120	\$1,153,000	\$937,389
102	Airport Way	Widen from 4 to 6 lanes, SR120-Lathrop Road (Manteca)	\$4,900,000	\$4,209,100
103	Lathrop Rd.	Widen from 2 to 4 lanes from east of UPRR to SR-99	\$6,855,000	-
104	Golden Valley Parkway	Parallel facility along north/west side of I-5 from Lathrop Road to Paradise	\$59,290,000	\$40,910,100
105	Lathrop Rd.	Widen from 2 to 4 lanes, I-5 to east UPRR	\$2,560,000	-
106	Corral Hollow Road	Widen from 2 to 4 lanes, Grantline Road to Linne Road	\$20,000,000	-
107	Lammers Road	Widen from 2 to 4 Lanes, I-205 to I-580	\$40,000,000	-
108	Linne Road	Widen from 2 to 4 lanes, Corral Hollow Road to Chrisman Road	\$4,289,000	\$2,835,029
109	McHenry @ Ullrey Intersection	Intersection Improvement	\$800,000	\$499,200
110	Campbell Avenue	Widen from 2 to 4 lanes, From SR 120 north to Miller Road and east from Miller Road to Escalon-Belota Road	\$2,500,000	\$1,257,500
111	Campbell Avenue	Widen from 2 to 4 lanes, From Miller Road to Santa Fe Avenue.	\$2,500,000	-
112	Brennan Road	Widen from 2 to 4 lanes, SR 120 south to Jones Road and east from Jones Road to McHenry Avenue	\$2,500,000	-
113	Miller Road	Widen from 2 to 4 lanes, Escalon-Bellota Avenue to Campbell Avenue	\$1,123,005	-
114	South Arterial #1	Widen from 2 to 4 lanes, Brennan Avenue to Harrold Avenue	\$5,054,790	-
115	Jones Road	Widen from 2 to 4 lanes, Brennan Road to Harrold Avenue	\$2,000,115	-
	River Road Plus Extension	Widen from 2 to 4 Lanes From McHenry Avenue to SR 120. Includes Parallel Facility to SR 99 North to SR 120	\$25,000,000	-
116		with extension of Olive Road south to SJC line. May include roundabout (River Road @ McHenry).		-
117	West Ripon Road (1)	Widen existing road from 2 to 4 lanes and extend Ripon Road West to I-5	\$50,000,000	-
<b>Total Regional Roadway Improvements</b>			<b>\$1,138,879,910</b>	<b>\$321,884,219</b>

Table 5  
RTIF Capital Projects  
San Joaquin RTIF Nexus Study; EPS #15040

ID#	Project	Project Description	RTIF Master Project Costs (2)	Nexus Project Costs (3)
<b>Public Transit</b>				
118	Bus Rapid Transit (BRT)	Regional/Inter-Regional BRT system	\$100,412,410	\$19,931,535
119	Regional Busses	Purchase of buses for service expansion (Intercity/Interregional)	\$10,000,000	\$2,100,000
120	Altamont Commuter Express (ACE)	Acquisition of ACE Corridor between Lathrop and Niles Junction	\$45,000,000	\$6,950,000
<b>Total Public Transit</b>			<b>\$155,412,410</b>	<b>\$28,981,535</b>
<b>TOTAL ALL PROJECTS</b>			<b>\$5,438,212,320</b>	<b>\$560,818,424</b>

- (1) Project delivery is contingent on the results of a feasibility study and pending analysis of the region's expressway needs.  
(2) Represent all projects in the RTIF network. All projects are selected based on Inclusion Criteria.  
(3) Represents RTIF projects/costs used to establish nexus.

## IV. RTIF MODEL AND FEE CALCULATION

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This chapter describes the modeling techniques used to identify eligible transportation projects and calculate the fee for the RTIF program. The fee is based on the RTIF capital project list costs attributable to new growth within the San Joaquin Region divided by projected development by land use category in the region.

### TRANSPORTATION MODEL

This Technical Report relies on the SJCOG travel demand model, a regional model used to conduct long-range planning and assess transportation impacts of major development projects in the County. The model has recently been updated, and was used in preparing the 2030 RTP. Therefore, the model is the best tool available for conducting a project such as the RTIF Report. The SJCOG model contains land use estimates for the year 2005, and projections for the year 2030. Both the 2005 and 2030 models were used in the RTIF Report.

### EXISTING DEFICIENCIES

As noted in **Chapter III**, the RTIF program excludes the proportion of a project cost that are attributable in whole or in part to correct “existing deficiencies” or pre-existing problems in the regional transportation system. Consequently, the transportation model was used to identify existing deficiencies in the RTIF Network. Specifically, the 2005 model was applied, and the Level of Service (LOS) of each facility in the network was assessed. Traffic volume thresholds for LOS calculation purposes were provided by SJCOG staff. These thresholds were based on the standard highway capacity tables prepared by the Florida Department of Transportation, and have been used in the preparation of the 2030 SJCOG RTP and other regional planning documents.

The operational standard for roads in the San Joaquin Region is LOS D. Therefore, all facilities that were estimated to operate at LOS E or F during the AM peak hour in the 2005 model were designated as having existing deficiencies. Any improvements designed to correct the deficiencies in the RTIF Network have been adjusted to exclude the portion that is attributable to existing deficiencies.

Because of limitations in the analytical methods available, no existing deficiency analysis was conducted for interchange; rather, it was assumed that these improvements were to be supported entirely by new development.

### TRAFFIC CONTRIBUTION

The total amount of traffic on each facility is broken down into two components: the traffic coming from or going to areas inside the San Joaquin Region (called “Internal Trips”) and the traffic coming from or going to areas outside the Region (called

“External Trips”). These External Trips are not the responsibility of the new development within San Joaquin Region, and thus need to be excluded from the fee calculation. This analysis was done on the basis of trip ends; therefore, the so-called I-X and X-I trips (trips that have one end in the region and one end outside the region) were considered to be one-half attributable to Internal Trips, and one-half attributable to External Trips.

The difference in total traffic volume on each project between 2005 and 2030 was calculated, and became the denominator of the traffic contribution ratio. The difference in volume associated with each of the categories described above was also calculated, and these became the numerators of the calculation. For example, if total traffic on a particular facility increased by 1,000 vehicles between 2005 and 2030, and if the traffic attributable to the San Joaquin Region area increased by 200 vehicles, then the percent contribution to that facility within the region would be  $200/1,000$  or 20 percent. The remaining 80 percent of the growth in traffic would be similarly calculated from the External Trips.

The trip distribution between inside and outside of the San Joaquin Region for all the RTIF projects is shown in **Table 6**. The values in Internal and External Trips should sum to 1.0, or 100 percent, for each RTIF project. With the External Trips screened out, **Table 7** also shows the net RTIF project costs by multiplying the Internal Trips factors by the total project costs.

## **PUBLIC TRANSIT CONTRIBUTION**

The total share of the public transit costs is determined by new development within the San Joaquin Region. Specifically, the total public transit share is calculated by multiplying the incremental DUE growth as a percent of the total DUE in 2030. Between 2005 and 2030, the DUE in the San Joaquin Region is estimated to increase by 163,319, as illustrated in **Table 4**. The new growth would contribute approximately 30 percent of the total DUE in 2030. As shown in **Table 6**, \$8.7 million of the public transit costs is supported by the RTIF program.

## **MAXIMUM FEE CALCULATION**

The maximum fee calculation is based on the net RTIF capital project costs attributable to the Internal Trips throughout the region divided by the projected number of new housing units, retail and commercial/industrial square feet developed in the County through year 2030. Specifically, the net RTIF capital project cost is divided by the total DUE growth, as calculated in **Table 4**, to obtain total cost per DUE for the San Joaquin Region as a whole.

A summary of the RTIF per DUE by project and for the San Joaquin Region as a whole is provided in **Table 7**. The actual fees by land use category are derived based on the DUE factors shown in **Table 3** (total fee per DUE multiplied by the DUE factor by land use category).

Table 6

**RTIF Trip Distribution and Net Project Costs  
San Joaquin RTIF Nexus Study; EPS #15040**

ID#	Project	Trip Distribution		Net Nexus Project Costs
		Internal Trips	External Trips	
Mainline Highway Projections				
1	SR-99	48.3%	51.7%	-
2	SR-99	31.3%	68.7%	-
3	I-5	54.1%	45.9%	-
4	I-5	59.9%	40.1%	-
5	I-5	61.3%	38.7%	-
6	I-205	46.4%	53.6%	-
7	SR-4 Extension	43.5%	56.5%	\$7,708,140
8	SR-99 Widening	54.1%	45.9%	-
9	SR-99	57.8%	42.2%	-
10	SR-99	48.3%	51.7%	-
11	SR-99 Widening	42.6%	57.4%	-
12	I-5	47.2%	52.8%	-
13	SR-99 Widening	54.8%	45.2%	-
14	SR-4 Crosstown Widening	60.0%	40.0%	-
15	SR-26 Widening	60.7%	39.3%	-
16	SR-4 Widening	48.6%	51.4%	-
17	SR 99 @ Crosstown Freeway	62.5%	37.5%	-
18	I-5/SR 4 @ Crosstown Freeway	65.5%	34.5%	-
19	I-5/SR-120	33.2%	66.8%	\$2,204,480
20	SR-120	29.1%	70.9%	-
21	SR-12	78.7%	21.3%	\$24,774,760
22	SR-99	41.3%	58.7%	-
23	SR-99	48.0%	52.0%	-
24	I-5	45.2%	54.8%	-
25	I-5 Widening	58.1%	41.9%	-
26	SR-12 @ I-5	46.1%	53.9%	-
27	SR-99 @ SR-88	65.8%	34.2%	-
28	SR-99 @ SR-26	69.1%	30.9%	-
29	SR-26	57.0%	43.0%	-
30	SR-120 West of Escalon	30.6%	69.4%	-
31	SR-120 East of Escalon	26.7%	73.3%	-
32	SR-88	45.5%	54.5%	-
Interchange Modifications, Reconstructions, and Improvements				
33	I-5 @ Lathrop Road	70.5%	29.5%	\$2,788,980
34	I-205 @ Paradise/Chrisman	62.3%	37.7%	\$12,958,400
35	SR-99 @ SR-12 (Kettleman Lane)	86.0%	14.0%	\$3,956,000
36	SR-99 @ Harney Lane	86.9%	13.1%	-
37	SR-99 @ North Main	82.5%	17.5%	-
38	SR-99 @ Austin Road	67.7%	32.3%	\$4,671,300
39	SR-120 @ McKinley	77.5%	22.5%	\$5,026,650
40	SR-99 @ Olive Rd.	40.2%	59.8%	\$6,335,520
41	SR-99 @ Eight Mile Road	64.2%	35.8%	\$5,333,479
42	SR-99 @ March Lane/Wilson	73.0%	27.0%	\$16,790,000
43	I-5 @ Arch Sperry/French Camp	56.8%	43.2%	\$4,572,400
44	SR-99 @ French Camp Road	48.7%	51.3%	-
45	SR-99 @ Arch Sperry Road	57.5%	42.5%	-

Table 6

**RTIF Trip Distribution and Net Project Costs  
San Joaquin RTIF Nexus Study; EPS #15040**

ID#	Project	Trip Distribution		Net Nexus Project Costs
		Internal Trips	External Trips	
46	SR-99 @ Armstrong Road	89.2%	10.8%	-
47	I-5 @ New Road A (N. Gateway)	97.6%	2.4%	-
48	SR-99 @ New Road A (N. Gateway)	71.5%	28.5%	-
49	SR-99 @ Marada Lane	65.4%	34.6%	\$654,000
50	I-5 @ Eight Mile Road	67.2%	32.8%	\$2,627,520
51	I-5 @ Otto Drive	65.9%	34.1%	\$6,365,940
52	I-5 @ Hammer Lane	91.1%	8.9%	\$9,847,910
53	SR-99 @ Mariposa Road	59.3%	40.7%	\$5,455,600
54	SR-99 @ New Road	60.8%	39.2%	-
55	I-5 @ Matthews Road	72.5%	27.5%	-
56	I-5 @ Roth Road	70.2%	29.8%	-
57	SR-132 @ I-5 and Bird Road	44.7%	55.3%	-
58	I-580 @ Lammers Road	50.5%	49.5%	-
59	I-580 @ Coral Hollow Road	36.5%	63.5%	-
60	I-205 @ Lammers Road	58.5%	41.5%	\$7,400,250
61	I-205 @ Grantline Road	70.8%	29.2%	\$4,885,200
<b>Regional Roadway Improvements</b>				
62	Lower Sacramento Road	83.2%	16.8%	\$4,160,000
63	Lower Sacramento Road	93.8%	6.2%	-
64	Eight Mile Rd.	69.5%	30.5%	\$7,992,500
65	Pacific Avenue	95.2%	4.8%	\$6,568,800
66	March Lane	93.2%	6.8%	\$7,606,984
67	March Lane	85.0%	15.0%	\$4,250,000
68	West Lane	96.1%	3.9%	\$9,398,580
69	West Lane	98.8%	1.2%	\$43,145,565
70	West Lane	94.9%	5.1%	\$31,687,110
71	West Lane/Airport Way	93.4%	6.6%	\$52,229,280
72	Airport Way	85.0%	15.0%	\$10,569,750
73	Airport Way	79.3%	20.7%	\$12,656,280
74	New Road A	67.9%	32.1%	-
75	Thornton Road	77.8%	22.2%	\$3,578,800
76	Aksland Avenue	87.0%	13.0%	\$2,610,000
77	Ryde Avenue Bridge	96.4%	3.6%	-
78	Mariposa Road	57.3%	42.7%	-
79	Austin Road	53.7%	46.3%	-
80	Austin Road	68.6%	31.4%	-
81	Austin Road	62.4%	37.6%	-
82	Austin Road	65.0%	35.0%	-
83	Arch-Sperry Rd.	61.4%	38.6%	\$9,179,300
84	Arch-Sperry Rd.	63.3%	36.7%	\$14,302,635
85	Arch-Sperry Rd.	64.0%	36.0%	\$3,641,600
86	French Camp Road	45.7%	54.3%	-
87	Harney Ln.	89.9%	10.1%	\$2,532,933
88	Jack Tone Rd.	55.3%	44.7%	\$3,434,130
89	Liberty Road	17.5%	82.5%	-
90	Peltier Road	39.2%	60.8%	-
91	Peltier Road	38.8%	61.2%	-

Table 6

**RTIF Trip Distribution and Net Project Costs  
San Joaquin RTIF Nexus Study; EPS #15040**

ID#	Project	Trip Distribution		Net Nexus Project Costs
		Internal Trips	External Trips	
92	Elliott Road	52.2%	47.8%	-
93	Yosemite Ave	29.3%	70.7%	-
94	Mariposa Road	53.4%	46.6%	-
95	Mariposa Road	49.6%	50.4%	-
96	French Camp Road	52.1%	47.9%	-
97	Tracy Boulevard	47.0%	53.0%	-
98	Howard Road	55.5%	44.5%	-
99	Airport Way	80.6%	19.4%	\$1,722,736
100	Escalon-Belota Road	37.1%	62.9%	\$563,701
101	Airport Way	81.5%	18.5%	\$763,972
102	Airport Way	85.1%	14.9%	\$3,581,944
103	Lathrop Rd.	66.0%	34.0%	-
104	Golden Valley Parkway	68.7%	31.3%	\$28,105,239
105	Lathrop Rd.	69.0%	31.0%	-
106	Corral Hollow Road	74.1%	25.9%	-
107	Lammers Road	59.3%	40.7%	-
108	Linne Road	67.5%	32.5%	\$1,913,645
109	McHenry @ Ullrey Intersection	62.7%	37.3%	\$312,998
110	Campbell Avenue	51.7%	48.3%	\$650,128
111	Campbell Avenue	59.2%	40.8%	-
112	Brennan Road	37.6%	62.4%	-
113	Miller Road	50.1%	49.9%	-
114	South Arterial #1	52.4%	47.6%	-
115	Jones Road	52.4%	47.6%	-
116	River Road Plus Extension	14.9%	85.1%	-
117	West Ripon Road (1)	68.2%	31.8%	-
<b>Public Transit (2)</b>				
118	Bus Rapid Transit (BRT)	n/a	n/a	\$5,993,758
119	Regional Busses	n/a	n/a	\$631,506
120	Altamont Commuter Express (ACE)	n/a	n/a	\$2,089,985
<b>Total</b>				<b>\$410,230,388</b>

(1) Project delivery is contingent on the results of a feasibility study and pending analysis of the region's expressway needs.

(2) All public transit costs based on the incremental DUE growth as 30% of the total DUE in 2030.

**Table 7**  
**RTIF Fee Calculation**  
**San Joaquin RTIF Nexus Study; EPS #15040**

ID#	Project	Cost Per DUE (1)
<b>Mainline Highway Projections</b>		
1	SR-99	-
2	SR-99	-
3	I-5	-
4	I-5	-
5	I-5	-
6	I-205	-
7	SR-4 Extension	\$47.20
8	SR-99 Widening	-
9	SR-99	-
10	SR-99	-
11	SR-99 Widening	-
12	I-5	-
13	SR-99 Widening	-
14	SR-4 Crosstown Widening	-
15	SR-26 Widening	-
16	SR-4 Widening	-
17	SR 99 @ Crosstown Freeway	-
18	I-5/SR 4 @ Crosstown Freeway	-
19	I-5/SR-120	\$13.50
20	SR-120	-
21	SR-12	\$151.70
22	SR-99	-
23	SR-99	-
24	I-5	-
25	I-5 Widening	-
26	SR-12 @ I-5	-
27	SR-99 @ SR-88	-
28	SR-99 @ SR-26	-
29	SR-26	-
30	SR-120 West of Escalon	-
31	SR-120 East of Escalon	-
32	SR-88	-
<b>Interchange Modifications, Reconstructions, and Improvements</b>		
33	I-5 @ Lathrop Road	\$17.08
34	I-205 @ Paradise/Chrisman	\$79.34
35	SR-99 @ SR-12 (Kettleman Lane)	\$24.22
36	SR-99 @ Harney Lane	-
37	SR-99 @ North Main	-
38	SR-99 @ Austin Road	\$28.60
39	SR-120 @ McKinley	\$30.78
40	SR-99 @ Olive Rd.	\$38.79
41	SR-99 @ Eight Mile Road	\$32.66
42	SR-99 @ March Lane/Wilson	\$102.81
43	I-5 @ Arch Sperry/French Camp	\$28.00
44	SR-99 @ French Camp Road	-
45	SR-99 @ Arch Sperry Road	-
46	SR-99 @ Armstrong Road	-

Table 7

## RTIF Fee Calculation

## San Joaquin RTIF Nexus Study; EPS #15040

ID#	Project	Cost Per DUE (1)
47	I-5 @ New Road A (N. Gateway)	-
48	SR-99 @ New Road A (N. Gateway)	-
49	SR-99 @ Marada Lane	\$4.00
50	I-5 @ Eight Mile Road	\$16.09
51	I-5 @ Otto Drive	\$38.98
52	I-5 @ Hammer Lane	\$60.30
53	SR-99 @ Mariposa Road	\$33.40
54	SR-99 @ New Road	-
55	I-5 @ Matthews Road	-
56	I-5 @ Roth Road	-
57	SR-132 @ I-5 and Bird Road	-
58	I-580 @ Lammers Road	-
59	I-580 @ Coral Hollow Road	-
60	I-205 @ Lammers Road	\$45.31
61	I-205 @ Grantline Road	\$29.91
<b>Regional Roadway Improvements</b>		
62	Lower Sacramento Road	\$25.47
63	Lower Sacramento Road	-
64	Eight Mile Rd.	\$48.94
65	Pacific Avenue	\$40.22
66	March Lane	\$46.58
67	March Lane	\$26.02
68	West Lane	\$57.55
69	West Lane	\$264.18
70	West Lane	\$194.02
71	West Lane/Airport Way	\$319.80
72	Airport Way	\$64.72
73	Airport Way	\$77.49
74	New Road A	-
75	Thornton Road	\$21.91
76	Aksland Avenue	\$15.98
77	Ryde Avenue Bridge	-
78	Mariposa Road	-
79	Austin Road	-
80	Austin Road	-
81	Austin Road	-
82	Austin Road	-
83	Arch-Sperry Rd.	\$56.20
84	Arch-Sperry Rd.	\$87.57
85	Arch-Sperry Rd.	\$22.30
86	French Camp Road	-
87	Harney Ln.	\$15.51
88	Jack Tone Rd.	\$21.03
89	Liberty Road	-
90	Peltier Road	-
91	Peltier Road	-
92	Elliott Road	-
93	Yosemite Ave	-

**Table 7**  
**RTIF Fee Calculation**  
**San Joaquin RTIF Nexus Study; EPS #15040**

ID#	Project	Cost Per DUE (1)
94	Mariposa Road	-
95	Mariposa Road	-
96	French Camp Road	-
97	Tracy Boulevard	-
98	Howard Road	-
99	Airport Way	\$10.55
100	Escalon-Belota Road	\$3.45
101	Airport Way	\$4.68
102	Airport Way	\$21.93
103	Lathrop Rd.	-
104	Golden Valley Parkway	\$172.09
105	Lathrop Rd.	-
106	Corral Hollow Road	-
107	Lammers Road	-
108	Linne Road	\$11.72
109	McHenry @ Ullrey Intersection	\$1.92
110	Campbell Avenue	\$3.98
111	Campbell Avenue	-
112	Brennan Road	-
113	Miller Road	-
114	South Arterial #1	-
115	Jones Road	-
116	River Road Plus Extension	-
117	West Ripon Road (2)	-
<b>Public Transit</b>		
118	Bus Rapid Transit (BRT)	\$36.70
119	Regional Busses	\$3.87
120	Altamont Commuter Express (ACE)	\$12.80
<b>Total</b>		<b>\$2,511.84</b>

(1) Net RTIF project cost divided by total DUE of 163,319

(2) Project delivery is contingent on the results of a feasibility study and pending analysis of the region's expressway needs.



# REGIONAL TRANSPORTATION IMPACT FEE



October 27, 2005

**SAN JOAQUIN COUNTY  
REGIONAL TRANSPORTATION IMPACT FEE PROGRAM  
OPERATING AGREEMENT**

THIS REGIONAL TRANSPORTATION IMPACT FEE PROGRAM OPERATING AGREEMENT (“Agreement”) dated as of the Effective Date is made by and between the San Joaquin Council of Governments (“SJCOG”), and the following eight public agencies located within San Joaquin County (collectively the “Participating Agencies”), including, the County of San Joaquin (“County”), the City of Escalon (“Escalon”), the City of Manteca (“Manteca”), the City of Lathrop (“Lathrop”), the City of Lodi (“Lodi”) the City of Ripon (“Ripon”) the City of Stockton (“Stockton”), and the City of Tracy (“Tracy”) (the identified cities are hereinafter collectively the “Cities”).

**RECITALS**

WHEREAS, SJCOG has the responsibility as the region’s designated Metropolitan Planning Organization and through its powers as specified in its joint powers agreement to maintain and improve the Regional Transportation Network, and

WHEREAS, the Participating Agencies and SJCOG find that future development within the County of San Joaquin will result in traffic volumes in excess of capacity on a regional system of highways, interchanges, and local roadways; and,

WHEREAS, the Participating Agencies and SJCOG find that failure to expand the capacity of the existing circulation system will cause unacceptable levels of congestion on the Regional Transportation Network; and,

WHEREAS, the Participating Agencies and SJCOG find that existing and future sources of revenue are inadequate to fund substantial portions of the Regional Transportation Network improvements needed to avoid unacceptable levels of congestion and related adverse impacts; and,

WHEREAS, SJCOG, following extensive analysis and consultations with the Participating Agencies and other stakeholders, has prepared a Regional Transportation Impact Program Fee Technical Report (“RTIF Technical Report”) that establishes a nexus between new development and its impacts (increased travel demand, reductions in service levels, and the need for capital improvements) upon the Regional Transportation Network; and,

WHEREAS, the Participating Agencies and SJCOG find and declare that the RTIF Technical Report has determined the extent to which new development of land will generate traffic volumes impacting the Regional Transportation Network and have determined that the Regional Transportation Impact Fee Program (“RTIF Program”) establishes a fair and equitable method to fund costs of transportation improvements necessary to accommodate the traffic volumes generated by future development of land within each City and the County; and,

WHEREAS, the Participating Agencies and SJCOG find and declare that the RTIF Program is necessary to help mitigate the impact of new development on the Regional Transportation Network and along with other transportation funding mechanisms, in providing for the construction of improvements to accommodate traffic generated by land development; and,

WHEREAS, the Participating Agencies and SJCOG have determined that it is in their best interest to join together to administer the funds provided by the RTIF Program and to authorize SJCOG to manage the RTIF Program for the San Joaquin County region; and,

WHEREAS, the Participating Agencies and SJCOG find and declare that in order to serve the purposes described herein, additional funding, other than that received from the RTIF Program is necessary and must be obtained and each party agrees to cooperate in obtaining additional funding; and,

WHEREAS, the Participating Agencies and SJCOG find and declare SJCOG prepared, adopted and certified in July 2004 a Final Program Environmental Impact Report (“EIR”) for the 2004 Regional Transportation Plan, State Clearing House number 2003082053, and the RTIF Program is hereby adopted in reliance on and consistent with this previously prepared, approved and certified EIR.

WHEREAS, the Participating Agencies have adopted or will adopt a Regional Transportation Impact Program Fee (“RTIF Program Fee” or “RTIF Fee”) pursuant to their authority to protect the public health, safety, and welfare consistent with the provisions of California Government Code Section 66000 et seq.; and,

WHEREAS, the integrity and success of the RTIF Program is dependent upon all Participating Agencies and SJCOG working cooperatively with each other in order to fulfill their obligations faithfully and promptly; and,

WHEREAS, funds collected pursuant to the Participating Agencies’ ordinances and/or resolutions adopting the RTIF Program are to be held and expended by the Participating Agencies and SJCOG as specified herein.

## **AGREEMENT**

Now, therefore, in consideration of the mutual promises and undertakings herein made and the mutual benefits to be derived therefrom, the parties hereto represent, covenant and agree as follows:

### **SECTION 1. PURPOSE**

1.1. The RTIF Program requires management procedures that assure that the objective of the RTIF Program is achieved. Specifically, the RTIF Program objective is to obtain funding from development projects that have an impact upon the Regional Transportation Network and to integrate these funds with federal, State, and other local funding to fund transportation improvements identified in the RTIF Program. While the RTIF Program and the RTIF Program

Fee will be imposed and collected by the Participating Agencies, the RTIF Program will be managed for the benefit of the entire County region.

1.2. This Agreement defines the terms of the required management procedures for Participating Agencies and SJCOG including specifications regarding levy and collection, administration, project selection, fund management, appropriation of fee funds, and ongoing technical review and updating.

## **SECTION 2. DEFINITIONS**

2.1. "Development Project" or "Project" means any project undertaken for the purpose of development including the issuance of a permit for construction or reconstruction, but not a permit to operate.

2.2. "Industrial Project" means any Development Project that proposes manufacturing, transportation, logistics or warehousing as identified in the RTIF Land Use Fee Category Summary which is attached as Exhibit "A" hereto and incorporated herein by reference.

2.3. "Measure K" means the San Joaquin County Transportation Authority Local Transportation Improvement Plan: Air Quality, Mandatory Developer Fees and Growth Management Ordinance which establishes and implements a retail transactions and use tax, as may be extended from time to time.

2.4. "Multi-Family Residential Unit" means a Development Project that uses a single parcel for two or more dwelling units within one or more buildings, including duplexes, townhouses, condominiums, and apartments as identified in the RTIF Land Use Fee Category Summary which is attached as Exhibit "A" hereto and incorporated herein by reference.

2.5. "Office Project" means any Development Project that involves business activities associated with professional or administrative services, and typically consists of corporate offices, financial institutions, legal and medical offices, personal and laundry services, or similar uses, and religious centers as identified in the RTIF Land Use Fee Category Summary which is attached as Exhibit "A" hereto and incorporated herein by reference.

2.6. "Participating Agencies" means the County of San Joaquin and each of the cities situated in San Joaquin County if such agencies have (1) adopted the RTIF Program Fee by ordinance and/or resolution and (2) entered into this Agreement.

2.7. "Regional Transportation Impact Fee Program" or "RTIF Program" is the regional program established by this Agreement by the Participating Agencies and SJCOG to impose, collect and distribute a RTIF Fee to assist in the funding of transportation improvements to the Regional Transportation Network.

2.8. "Regional Transportation Impact Program Fee" or "RTIF Program Fee" or "RTIF Fee" means the fee established by each Participating Agency consistent with this Agreement to implement the RTIF Program.

2.9. "Regional Transportation Network" means the regional network of highways and arterials as identified in the RTIF Technical Report and which may be amended from time to time by SJCOG.

2.10. "RTIF Capital Projects" or "Capital Projects" or "RTIF Project List" is the RTIF Program improvements and projects as identified in the RTIF Technical Report and which may be amended from time to time by SJCOG's adoption and amendment of a "RTIF Capital Projects Report."

2.11. "RTIF Capital Projects Report" means the report adopted by SJCOG annually which identifies the RTIF Capital Projects as amended from time to time consistent with Section 9 of this Agreement.

2.12. "RTIF Technical Report" means the San Joaquin County Regional Transportation Impact Fee RTIF Technical Report dated XXXXX, and prepared pursuant to California Government Code, Section 66000 et seq., the Mitigation Fee Act.

2.13. "Residential Dwelling Unit" means a building or portion thereof which is designed primarily for residential occupancy by one family including single-family and multi-family dwellings. "Residential Dwelling Unit" shall not include hotels or motels.

2.14. "Retail Project" means any Development Project that retailing merchandise, generally without transformation, and rendering services incidental to the sale of merchandise at a fixed point of sale as identified in the RTIF Land Use Fee Category Summary which is attached as Exhibit "A" hereto and incorporated herein by reference.

2.15. "Single-Family Residential Unit" means the use of a parcel for only one residential dwelling unit as identified in the RTIF Land Use Fee Category Summary which is attached as Exhibit "A" hereto and incorporated herein by reference.

### **SECTION 3. FEE RATE**

3.1. Establishing RTIF Program Fee. Within ninety (90) days of entering into this Agreement, each Participating Agency shall adopt a RTIF Program Fee in an amount equal to the following fees for each identified land use category consistent with the fee schedule adopted by the SJCOG on October 27, 2005.

RESIDENTIAL		NON – RESIDENTIAL		
Single Family	Multi-Family	Retail	Office	Industrial
\$2,500.00	\$1,500.00	\$1.00	\$1.25	\$0.75
DUE	DUE	Square Foot	Square Foot	Square Foot

3.2. Annual Adjustment. The RTIF Program Fee described in section 3.1 above shall be automatically adjusted by each Participating Agency on an annual basis at the beginning of each fiscal year (July 1) based on the Engineering News Record California Construction Cost Index.

## SECTION 4. COLLECTION OF RTIF PROGRAM FEES

4.1. Payment of RTIF Program Fees. Payment of the RTIF Program Fees shall be as follows:

(a). The RTIF Program Fees shall be paid at the time of issuance of a building permit for the Development Project, or as otherwise required or permitted pursuant to Government Code section 66007.

(b). The amount of the RTIF Program Fees shall be the fee amounts in effect at the time of payment.

(c). RTIF Program Fees shall not be waived.

4.2. Payment by all Development Projects. Except as otherwise expressly provided by this Agreement, the RTIF Program Fee imposed by all Participating Agencies shall be payable by (1) all Development Projects within the jurisdiction of the Participating Agency for which building permits or other entitlements for Development Projects are issued on or after the effective date of the adoption of the RTIF Program Fee by the Participating Agency, and (2) all Development Projects within the Participating Agency for which building permits or other entitlements for Development Projects were issued prior to the effective date of the adoption of the RTIF Program Fee by the Participating Agency and which permits or entitlements were issued subject to a condition requiring the developer to pay a RTIF Program Fee to be imposed upon such Development Project within the jurisdiction of the Participating Agency.

4.3. Exemptions from the RTIF Program Fee. The following Development Projects shall not be subject to the RTIF Program Fee:

(a). The rehabilitation and/or reconstruction of any legal, residential structure and/or the replacement of a previously existing legal dwelling unit, including an expansion of an existing dwelling unit that does not create an additional dwelling unit.

(b). The rehabilitation and/or reconstruction of any non-residential structure where there is no net increase in square footage. Any increase in square footage shall pay the established applicable fee rate for that portion of square footage that is new.

(c). Development Projects for which an application for a vesting tentative map authorized by Government Code Section 66498.1 was deemed complete on or prior to the effective date of the adoption of the RTIF Program Fee by the Participating Agency.

(d). Development Projects which are the subject of a development agreement entered into pursuant to Government Code section 65864 et seq. prior to the effective date of the adoption of the RTIF Program Fee by the Participating Agency, wherein the imposition of new fees are expressly prohibited by the development agreement, provided, however, that if the term of such a development agreement is extended after the effective date of the adoption of the RTIF Program Fee, the RTIF Program Fee shall be imposed.

4.4. Future Development Agreements. All future development agreements entered into by the Participating Agencies shall require the full payment of the RTIF Program Fee.

4.5. Payments for non-residential projects. For non-residential projects the amount of the fee imposed on the entire Development Project shall be determined based upon (1) the gross floor area and (2) the predominant use of the building or structure as identified in the building permit.

4.6. Payment for mixed use projects. For mixed land use projects, which are projects that have both residential and non-residential uses, the amount of the fee imposed on the entire Development Project shall be proportionally determined based on the following:

- (a) The fee associated with the type of residence; and,
- (b) The predominant use of the non-residential portion of the project.

4.7. Previously Paid RTIF Program Fees. In the event that RTIF Program Fees have previously been paid for an existing building which is a new Development Project with a new or different RTIF Fee category, the previously paid RTIF Program Fees for that existing building shall be credited against the amount of the RTIF Program Fee attributable to the new Development Project, up to the amount of the previously paid RTIF Program Fee. A rebate will not be granted if the change in land use represents a lower fee.

## **SECTION 5. DISTRIBUTION OF RTIF PROGRAM FEES**

5.1. Purpose of RTIF Program Fees. Except as otherwise provided in this Agreement, all RTIF Program Fees received by each Participating Agency or SJCOG shall be used solely for the purpose of funding Regional Transportation Network projects as specified in the RTIF Technical Report and which are included within the RTIF Capital Projects Report. Each Participating Agency and SJCOG may spend RTIF Program Fees held by that entity on RTIF Capital Projects at the discretion of that entity.

5.2. Distribution of Fee Revenue. All fees collected by each Participating Agency pursuant to the RTIF Program Fee shall be distributed as follows:

- (a). Ten (10) percent of the amounts collected by the Cities shall be paid directly to the County on a quarterly basis for the purpose of funding RTIF Capital Projects within the County of San Joaquin.
- (b). Ten (10) percent of the amounts collected by each Participating Agency shall be paid directly to SJCOG on a quarterly basis for the purposes of funding state highway improvements on the RTIF Project List.
- (c). Five (5) percent of the amounts collected by each Participating Agency shall be paid directly to SJCOG on a quarterly basis for the purposes of funding transit improvements on the RTIF Project List.
- (d). Seventy Five (75) percent of the amounts collected by each city shall be retained by each city collecting such funds for the purposes of funding RTIF Capital Projects, and Eighty Five (85) percent of the amounts collected by the County shall be retained by the County for the purposes of funding RTIF Capital Projects. In the event a

Participating Agency determines it does not want to retain or manage this portion of the RTIF Program Fees, the Participating Agency may provide this portion of the RTIF Program Fees to SJCOG for administration to assist with the construction of Capital Projects on behalf of the Participating Agency.

## **SECTION 6. ADMINISTRATIVE COSTS**

6.1. Participating Agency Administrative Costs. The amount of RTIF Program Fee funds that are permitted to be used by each Participating Agency to cover ongoing administrative costs of implementing the RTIF Program shall be limited to up to two (2) percent of the first one million dollars (\$1,000,000) retained each year by each City pursuant to subdivision (d) of section 5.2 of this agreement or received each year by the County pursuant to subdivisions (a) and (d) of section 5.2 of this Agreement. In addition, each Participating Agency may use up to one (1) percent of the amounts retained or received each year in excess of the initial one million dollars (\$1,000,000).

6.2. SJCOG Administrative Costs. The amount of RTIF Program Fee funds permitted to be used by SJCOG to cover ongoing administrative costs of implementing the RTIF Program shall be limited to up to two percent (2%) of the first one million dollars (\$1,000,000) received each year by SJCOG pursuant to subdivision (b) and (c) of section 5.2 of this agreement and up to one percent (1%) of the amounts received each year in excess of the initial one million dollars (\$1,000,000).

6.3. Initial Third Party Costs. Each Participating Agency and SJCOG shall be responsible for paying third party costs incurred by SJCOG to establish the RTIF Program, including, but not limited to, the preparation of the RTIF Technical Report, the Capital Projects Report, and the RTIF Program documents. The amount of third party costs each Participating Agency and SJCOG shall pay is to be based on the percentage of the total County-wide RTIF Program Fees retained by each Participating Agency and SJCOG pursuant to section 5.2 of this Agreement. The amount payable to SJCOG by each Participating Agency and SJCOG shall be calculated by SJCOG based on actual RTIF Program Fees collected by each Participating Agency and SJCOG six (6) months from the Effective Date of this Agreement. The payments to SJCOG pursuant to this section 6.3 shall be made within one (1) year of the Effective Date of this Agreement. Payments for the initial third party costs shall not be considered administrative costs and shall not be subject to the limitations provided in sections 6.1 and 6.2 of this Agreement.

6.4. On-going Third Party Costs. On-going third party costs approved by the SJCOG Board of Directors to regionally implement the RTIF Program will be paid to SJCOG by each Participating Agency and SJCOG on a semiannual basis. The amount of on-going third party costs each Participating Agency and SJCOG shall pay is based on percentage of the total County-wide RTIF Program Fees retained by each Participating Agency and SJCOG pursuant to section 5.2 of this Agreement. These payments for the on-going third party costs shall not be considered administrative costs and shall not be subject to the limitations provided in sections 6.1 and 6.2 of this Agreement.

6.5. Legal Challenges. In the event that any Participating Agency and/or SJCOG is subject to a legal challenge of the RTIF Program then all Participating Agencies and SJCOG will be responsible for the costs associated with such legal challenge. At the time of such legal challenge the Participating Agencies and SJCOG will coordinate the defense of such legal challenge and the costs incurred for such legal challenge will be the responsibility of the Participating Agencies and SJCOG based on percentage of the total County-wide RTIF Program Fees retained by each Participating Agency and SJCOG pursuant to section 5.2 of this Agreement. For the purposes of this section 6.5, a legal challenge of the RTIF Program is limited to a challenge to either (a) the legal ability to adopt or impose the RTIF Program; or (b) the validity of the RTIF Technical Report. This section 6.5. will not apply to any legal challenge due to the manner of implementation of the RTIF Program that is either unique to a Participating Agency or that is not consistent with the provisions of this Agreement.

## **SECTION 7. ADMINISTRATION OF THE RTIF PROGRAM**

7.1. RTIF Account or RTIF Funds. All fees collected pursuant to the RTIF Program Fee by each Participating Agency shall be deposited in a RTIF account or RTIF fund and shall not be commingled with other funds of the Participating Agency. The contents of this RTIF fund shall be designated solely for the purpose of contributing to the financing of the RTIF Capital Projects included in the RTIF Capital Projects Report and for the funding of incidental administrative costs. Any interest income earned on the RTIF fund shall also be deposited therein and shall only be expended for the purposes as set forth in this Agreement.

7.2. Prohibition on Interfund Transfers or Loans. Notwithstanding subsection (b)(1)(G) of section 66006 of the Government Code there shall be no interfund transfer, grant or loan of the RTIF Program Fees or RTIF fund or RTIF account to other accounts, funds, programs or fees. However, a Participating Agency may provide loans, grants or transfers of RTIF Program Fees to other Participating Agencies or SJCOG provided that such funds are consistent with the RTIF Program and used for the development or construction of RTIF Capital Projects.

7.3. Reporting Requirements. Each Participating Agency and SJCOG shall prepare and deliver to the Executive Director of SJCOG semiannual reports by February 28 and August 31 of each year of the status of the RTIF Program and RTIF Program Fees collected by that Participating Agency or received by SJCOG. These reports, which will be reviewed by the SJCOG Board of Directors, shall specify the amount of RTIF Program Fee revenue collected and the corresponding fee generating activity, including, such information as the types of permits issued by land use category, developer credits and reimbursements granted, RTIF Program revenue applied to RTIF Capital Projects, and the status of RTIF Program fees forwarded to the County and SJCOG by the Cities.

7.4. Annual Reports. Each Participating Agency shall prepare an annual report consistent with the requirements of the Fee Mitigation Act (Gov. Code §§ 66000 et seq.) regarding the RTIF Program Fees and submit that report to the Executive Director of SJCOG by November 15 of each year that RTIF Program Fee funds are held by the Participating Agency. For purposes of preparing the annual reports to satisfy the requirements of the Fee Mitigation Act, SJCOG and the County shall coordinate with and provide to each Participating Agency in a timely manner, and no later than October 15 of each year, all necessary information regarding

the RTIF Program funds held by SJCOG and the County that were distributed to the County and SJCOG from the Participating Agencies pursuant to section 5.2 of this Agreement.

7.5. Annual Audit. The RTIF Program financial activity for each Participating Agency and SJCOG shall be reviewed annually by March 31 of each year by an independent certified public accountant selected and retained by SJCOG.

7.6. RTIF Program Administrator. SJCOG is the monitor of the RTIF Program and will monitor all fee revenue generated pursuant to the RTIF Program as reported by all Participating Agencies. SJCOG shall prepare an annual report in coordination with each Participating Agency at the end of each fiscal year, which will be reviewed by the SJCOG Board of Directors.

## **SECTION 8. PERIODIC REVIEW OF RTIF PROGRAM FEES**

8.1. Except as otherwise provided in Section 3.2 of this Agreement, the RTIF Program Fee shall not be adjusted during the first five years following the Effective Date of this Agreement. Thereafter, the RTIF Program Fee shall be evaluated, and adjusted accordingly, by all Participating Agencies and SJCOG every five (5) years to reflect the projected revenues generated or any other local or new funding sources, and to reflect changes in actual and estimated costs of the RTIF Capital Projects including, but not limited to, debt service, lease payments and construction costs. This evaluation shall include the report required by the Fee Mitigation Act (Gov. Code §§ 66000 et seq.) which includes, but is not limited to, all of the following information:

- (a). Identifies the purpose (project need) to which the fee is to be put;
- (b). Demonstrates a reasonable relationship between the fee and the purpose for which it is charged;
- (c). Identifies all sources and amounts of funding anticipated to complete financing in incomplete improvements;
- (d). Commits RTIF Program funds to RTIF Capital Project(s) and indicates that such funds are expended or reimbursed within the time periods established by the Fee Mitigation Act requirements; and,
- (e). Identifies the RTIF Capital Projects to be constructed, the estimated costs of the RTIF Capital Projects, the costs to be funded by the RTIF Program Fee revenue, and the availability or lack thereof of other funds with which to construct the Regional Transportation Network.

8.2. If the periodic reports prepared pursuant to section 8.1 above demonstrates a need, the Participating Agencies, in coordination with SJCOG, may consider modifying the RTIF Program Fee amount to insure that it is a fair and equitable method of distributing the costs of the improvements necessary to accommodate traffic volumes generated by future growth.

8.3. SJCOG and the County shall coordinate with each Participating Agency in the preparation of the periodic reports required by Section 8.1 of this Agreement and the Fee

Mitigation Act, and provide any and all information and/or commitments necessary regarding RTIF Program fees distributed to SJCOG and the County from the Cities. In the event RTIF Program fees must be refunded pursuant to section 66001 of the Government Code, SJCOG and the County will provide to each City for refund any proportional share of RTIF Funds that must be refunded that were distributed to SJCOG and/or the County by each City.

## **SECTION 9. SJCOG CAPITAL PROJECTS SELECTION.**

9.1. RTIF Capital Projects Report. SJCOG will be responsible for establishing and maintaining the RTIF Project List. From time to time, at the request of a Participating Agency, and at least annually, SJCOG shall review the RTIF Capital Projects Report to add, modify, or remove RTIF Capital Projects. Each Participating Agency will have the opportunity to suggest changes to the Capital Projects within the RTIF Program at this time. SJCOG will make any and all changes to the Capital Projects Report annually taking into consideration the comments received from each Participating Agency consistent with the screening criteria contained within the RTIF Technical Report.

9.2. Project Inclusion Criteria. The technical basis of the RTIF Program is a list of road improvement projects identified as Capital Projects within the Regional Transportation Network which are eligible and appropriate for funding from the RTIF Program. The inclusion criteria used to select the RTIF Capital Projects are as set forth in the RTIF Technical Report. It is the application of these criteria that assure adherence to the required nexus principles. Modification to the inclusion criteria will require approval by resolution of all Participating Agencies and an update of the RTIF Technical Report.

9.3. Selection of New Capital Projects. Any new projects recommended for listing as a RTIF Capital Project must be modeled and screened consistent with the requirements of the Mitigation Fee Act (Gov. Code §§ 66000 et seq.) criteria for establishing a rational nexus. In addition, new projects added to the RTIF Project List must meet all of the following criteria:

### **9.3.1. Highway, Interchange, and Regional Roadway Improvements**

- (a) The project is on the adopted Regional Transportation Network;
- (b) The project is scheduled for delivery within the time frame evaluated in the RTIF Technical Report; and,
- (c) The project involves a capacity improvement of one or more through travel or passing lanes, or auxiliary lanes (i.e. turn lanes). This criterion shall not be applied to interchange improvement projects.

### **9.3.2. Public Transit Improvements**

- (a) The project is scheduled for delivery within the time frame evaluated in the RTIF Technical Report; and,
- (b) The project involves an improvement to an existing or a new service/facility which connects at least two (2) or more cities or regions.

9.4. Inclusion in Regional Transportation Plan. Prior to receiving any RTIF Program Fee revenue a project must be identified in the SJCOG Board approved Regional Transportation Plan (RTP) and the RTIF Project List.

9.5. RTIF Project Management. Each City is responsible for managing and delivering RTIF interchange and regional roadway projects located within its incorporated boundaries, except as otherwise specifically agreed to by such city. The County is responsible for managing and delivering RTIF Projects located within the unincorporated area of the county, except as otherwise specifically agreed to by the County.

## **SECTION 10. CREDITS AND REIMBURSEMENTS**

10.1. Reimbursements and Credits. In the event that RTIF Capital Projects are constructed by a developer in excess of the Development Project's RTIF Program Fee obligation or in lieu of payment of RTIF Program Fees by a developer pursuant to an agreement between the developer and the Participating Agency, the developer may be reimbursed or credited for future application for any costs based on the actual costs of construction of the RTIF Capital Project incurred by the developer in excess of the amount the RTIF Program Fees that apply to the Development Project. Reimbursements shall be enacted pursuant to an agreement between the developer and the Participating Agency contingent on payment of funds when available for reimbursement to the developer. In all cases, however, reimbursements to developers pursuant to any agreement must be consistent with construction of the transportation improvements as scheduled in the RTIF Capital Projects Report.

## **SECTION 11. EXISTING REGIONAL TRANSPORTATION FEES**

11.1. Each Participating Agency shall evaluate and adjust, if necessary, its existing local fee program(s), if any, associated with regional traffic impacts to determine continued compliance with the Fee Mitigation Act due to the adoption of the RTIF Program.

## **SECTION 12. WITHDRAWAL**

12.1. For reasons pertaining to the lack of direct benefit, a Participating Agency may elect to withdraw from the RTIF Program upon providing one year written notice to SJCOG and each Participating Agency. If the Participating Agency has accrued RTIF Program Fee revenue, all funds plus interest earned shall be expended on RTIF Capital Projects by the Participating Agency or by any Participating Agency or SJCOG.

## **SECTION 13. MISCELLANEOUS**

13.1. Effective Date. This Agreement shall be effective and all Participating Agencies and SJCOG shall be authorized to proceed under this Operating Agreement at the date in which this Agreement has been executed by the San Joaquin County Board of Supervisors, the City Councils of each of the Cities, and SJCOG.

13.2. Partial Invalidity. If any one or more of the terms or provisions of this Agreement shall be adjudged invalid, unenforceable, void or voidable by a court of competent jurisdiction,

each and all of the remaining terms and provisions of this Agreement shall not be affected thereby and shall be valid and enforceable to the fullest extent permitted by law.

13.3. Amendments. Any amendments to this Agreement shall be made by the SJCOG and all Participating Agencies.

13.4. Enforcement. It shall be the responsibility of the Participating Agencies and SJCOG to adopt, implement, and maintain the RTIF Program consistent with the terms of this Agreement.

13.5. Execution. The Board of Supervisors of the County of San Joaquin, the City Councils of the Cities, and the Board of Directors of SJCOG have each authorized execution of this Agreement as evidence by the authorized signatures below.

13.6. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which, together, shall constitute one and the same instrument.

<u>PARTY</u>		<u>DATE OF APPROVAL</u>
<b>Board of Supervisors, County of San Joaquin</b>		
By		
Chair		Date
Attest:		
Clerk of the Board		
<b>City Council, City of Escalon</b>		
By		
Mayor		Date
Attest:		
City Clerk		

<b>City Council, City of Lathrop</b>		
By		
Mayor		Date
Attest:		
City Clerk		
<b>City Council, City of Lodi</b>		
By		
Mayor		Date
Attest:		
City Clerk		
<b>City Council, City of Manteca</b>		
By		
Mayor		Date
Attest:		
City Clerk		
<b>City Council, City of Ripon</b>		
By		
Mayor		Date
Attest:		
City Clerk		

<b>City Council, City of Stockton</b>		
By		
Mayor		Date
Attest:		
City Clerk		
<b>City Council, City of Tracy</b>		
By		
Mayor		Date
Attest:		
City Clerk		
<b>San Joaquin Council of Governments</b>		
By		
Board Chair		Date
Attest:		
Interim Executive Director		

## **EXHIBIT A**

### **RTIF LAND USE FEE CATEGORY SUMMARY**

#### **RESIDENTIAL**

##### **Single-Family Dwelling**

A single family dwelling is defined as a residence designed for or occupied exclusively as a residence for one family; including a vacation home or seasonal dwelling and is located on one parcel.

##### **Multi-Family Dwelling**

Multi-family dwellings are defined as single structures designed for and/or constructed to contain two (2) or more dwelling units which share common walls (i.e., rowhouse, townhouse, duplex, triplex, quadraplex, condominium, apartment complex). When an existing single-family dwelling is converted into two (2) or more dwellings, it will be reclassified and subject to the multi-family dwelling regional fee. As a planned development containing two (2) or more residences, mobile homes parks are considered multi-family dwellings. A “commercial apartment” dwelling located within a commercial building is classified as a multi-family dwelling.

#### **NON-RESIDENTIAL**

Relationship of businesses to RTIF non-residential land use categories are based on the North American Industry Classification System (NAICS)

##### **Retail**

Sector comprises establishments engaged in retailing merchandise, generally without transformation and rendering services incidental to the sale of merchandise—fixed point of sale location. NAICS Sectors 44 & 45 represents the retail industry. Examples of retail businesses include:

- Garden material and garden supply dealers
- Food and beverage stores (i.e., grocery stores, specialty food stores, beer/wine/liquor stores)
- Health and personal care stores
- Gasoline stations
- Motor vehicle and parts dealers
- Furniture and home furnishing stores
- Electronics and appliance stores
- Clothing and clothing accessories stores

- Sporting goods, hobby, book and music stores
- General merchandise stores
- Miscellaneous store retailers
- Non-store retailers such as electronic shopping and mail-order houses, direct selling establishments

## **Office/Service**

Sector comprises finance, insurance, real estate professional, scientific and technical services, research and development, administrative & support services, education, health care and social assistance and other such as repair & maintenance, personal & laundry, and religious centers, including churches. NAICS Sectors 51 – 72, 81 & 92 represents the office industry. Examples of office related businesses include:

- Publishing industries, except Internet
- Motion picture and sound recording industries
- Broadcasting, except Internet
- Internet publishing and broadcasting
- Telecommunications
- Internet Service Providers, search portals, and data processing
- Other information services such as libraries and archives, news syndicates
- Monetary authorities such as banks, credit unions, credit card issuing services, sales financing, mortgage and non-mortgage loan brokers
- Securities, commodity contracts, investments
- Insurance carriers and related activities
- Funds, trusts, and other financial vehicles
- Real estate
- Rental and leasing activities
- Lessors of non-financial intangible assets
- Professional and technical services such as legal, accounting, engineering, design, consulting, research and development, advertising services
- Management of companies and enterprises
- Administrative and support services such as employment, business support (i.e., call centers, collection agencies), travel arrangement and reservation services, services to buildings and dwellings (i.e., janitorial, landscaping, pest control, carpet cleaning)
- Waste management and remediation services
- Educational services
- Health care and social assistance
- Hospitals
- Nursing and residential care facilities
- Social assistance (i.e., child/youth services, services for the elderly and persons with disabilities, shelters, food banks, vocational rehabilitation services, day care)
- Art, entertainment, and recreation
- Museums, historical sites, zoos, and parks
- Amusements, gambling, and recreation

- Accommodation and food services (i.e., traveler accommodations such as hotels and motels, bed-and breakfast inns, RV parks, rooming and boarding houses)
- Food services and drinking places (i.e., caterers, mobile food services, drinking places of alcoholic beverages, and full service restaurants)

## **Industrial**

RTIF land use category of industrial includes **Manufacturing** establishments engaged in the mechanical, physical, or chemical transformation of components into products to include construction engaged in buildings and other structures. The industrial land use category also includes **Transportation, Logistics, and Warehousing** establishments engaged in wholesaling merchandise, generally without transformation and rendering services incidental to the sale of merchandise including industries providing transportation of passengers and cargo, warehousing and storage of goods, scenic and sightseeing transportation. The NAICS Sectors 21, 22, 23, 31 through 33, 42, 48 & 49 represents the industrial land use category. Examples of industrial related businesses include:

- Mining
- Support activities for mining
- Utilities (i.e., power generation and supply, natural gas distribution, water treatment plants)
- Construction of buildings
- Heavy and civil engineering construction
- Specialty trade contractors such as roofing, sheet rock, framing contractors
- Building and equipment contractors
- Building finishing contractors
- Other specialty trades such as residential and non-residential site preparations
- Food manufacturing (i.e., animal, flour, rice, breakfast cereal, dairy products, bakeries, nuts)
- Beverage and tobacco product manufacturing
- Textile and textile product mills
- Apparel manufacturing
- Leather and applied product manufacturing
- Wood product manufacturing
- Paper Manufacturing
- Printing and related support activities
- Petroleum and coal products manufacturing
- Chemical manufacturing
- Plastics and rubber products manufacturing
- Nonmetallic mineral product manufacturing (i.e., glass, cement & concrete, clay, lime/gypsum)
- Primary metal manufacturing
- Fabricated metal product manufacturing
- Machinery manufacturing
- Computer and electronic product manufacturing

- Electrical equipment and appliance manufacturing
- Transportation equipment manufacturing
- Furniture and related product manufacturing
- Miscellaneous manufacturing (i.e., medical equipment, jewelry, sporting goods, signage)
- Merchant wholesalers of durable and non-durable goods (i.e., motor vehicles and parts, furniture, lumber, paper, clothing, petroleum bulk stations and terminals)
- Electronic markets and agents and brokers
- Air, rail, water, truck, pipeline, scenic/sight seeing transportation
- Transit and ground passenger transportation
- Support activities for transportation
- Postal services
- Couriers and messengers
- Warehousing and storage

**RESOLUTION****ESTABLISHING THE SAN JOAQUIN COUNTY REGIONAL  
TRANSPORTATION IMPACT PROGRAM FEES**

WHEREAS, the [insert jurisdiction] as adopted the San Joaquin County Regional Transportation Impact Fee Program Ordinance, the RTIF Technical Report, and the Regional Transportation Impact Fee Program Operating Agreement;

NOW THEREFORE the City Council [Board of Supervisors] establishes the following fees to be collected by the City of \_\_\_\_\_ [County of San Joaquin] for the RTIF Program pursuant to the San Joaquin County Regional Transportation Impact Fee Program Ordinance and the RTIF Technical Report.

The rate of the fee applicable to any particular Development Project shall be as follows:

- (a). \$2,500 for each Single-Family Residential Unit
- (b). \$1,500 for each Multi-Family Residential Unit
- (c). \$1.00 for each square foot of a Retail Project
- (d). \$1.25 for each square foot of a Office Project
- (e). \$0.75 for each square foot of a Industrial Project

The fees shall be collected, administered and adjusted consistent with the San Joaquin County Regional Transportation Impact Fee Program Ordinance, the RTIF Technical Report, and the Regional Transportation Impact Fee Program Operating Agreement.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2003, by the following vote of the Board of Supervisors [City Council]:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_, Chair of the Board of  
Supervisors of the County of San Joaquin, State  
of California [Mayor of the City of  
\_\_\_\_\_]

ATTEST:

\_\_\_\_\_  
\_\_\_\_\_, Clerk

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI  
AMENDING TITLE 15, "BUILDINGS AND CONSTRUCTION," OF THE  
LODI MUNICIPAL CODE BY ADDING CHAPTER 15.65 RELATING TO  
THE ESTABLISHMENT OF THE SAN JOAQUIN COUNTY REGIONAL  
TRANSPORTATION IMPACT FEE PROGRAM

=====

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Title 15, Buildings and Construction," of the Lodi Municipal Code is hereby amended by adding thereto Chapter 15.65 relating to the establishment of the San Joaquin County Regional Transportation Impact Fee Program, and shall read as follows:

CHAPTER 15.65

SAN JOAQUIN COUNTY REGIONAL TRANSPORTATION IMPACT FEE

SECTIONS:

- 15.65.010 Purpose, Findings and Declaration of Intent
- 15.65.020 Definitions
- 15.65.030 Authority for Adoption
- 15.65.040 Collection of RTIF Program Fees
- 15.65.050 Fee Rate and Calculation
- 15.65.060 Administration of the RTIF Program
- 15.65.070 Existing City of Lodi Development Impact Mitigation Fee Program

- 15.65.010 Purpose, Findings and Declaration of Intent

- A. In order to implement the goals and objectives of the general plan and to mitigate impacts caused by new development with the County of San Joaquin, a Regional Transportation Impact Fee Program is necessary. The program is needed to finance regional-serving transportation and transit improvements.
- B. Substantial population and employment growth is expected in San Joaquin County through 2025 and beyond. This growth will cause impacts on the Regional Transportation Network ("Regional Transportation Network" or "RTIF Network") including increased congestion and related impacts unless substantial improvements are completed. The Regional Transportation Impact Fee Program ("RTIF Program") is intended to impose a fee to provide funding for transportation and transit improvements that help mitigate these impacts.
- C. New development throughout the County will be subject to the fee which will be proportional to the impact caused on the Regional Transportation Network by such new development.
- D. The funding derived from the RTIF Program shall be used in combination with other funding available to complete the needed transportation and transit improvements. In the absence of an RTIF Program, existing funding sources, including federal, State, and local sources, will be inadequate to construct the Regional Transportation Network required to avoid the unacceptable levels of traffic congestion and related adverse impacts.

15.65.020 Definitions

- A. "Development Project" or "Project" means any project undertaken for the purpose of development including the issuance of a permit for construction or reconstruction, but not a permit to operate.
- B. "Industrial Project" means any Development Project that proposes manufacturing, transportation, logistics or warehousing as identified in the RTIF Land Use Fee Category Summary.
- C. "Measure K" means the San Joaquin County Transportation Authority Local Transportation Improvement Plan: Air Quality, Mandatory Developer Fees and Growth Management Ordinance which establishes and implements a retail transactions and use tax, as may be extended from time to time.
- D. "Multi-Family Residential Unit" means a Development Project that uses a single parcel for two or more dwelling units within one or more buildings, including duplexes, townhouses, condominiums, and apartments as identified in the RTIF Land Use Fee Category Summary.
- E. "Office Project" means any Development Project that involves business activities associated with professional or administrative services, and typically consists of corporate offices, financial institutions, legal and medical offices, personal and laundry services, or similar uses, and religious centers as identified in the RTIF Land Use Fee Category Summary.
- F. "Participating Agencies" means the County of San Joaquin and each of the cities situated in San Joaquin County if such agencies have (1) adopted the RTIF Program Fee by ordinance and/or resolution and (2) entered into the Operating Agreement.
- G. "Regional Transportation Impact Fee Program" or "RTIF Program" is the regional program established by the Operating Agreement by the Participating Agencies and SJCOG to impose, collect and distribute a RTIF Program Fee to assist in the funding of transportation improvements to the Regional Transportation Network.
- H. "Regional Transportation Impact Program Fee" or "RTIF Program Fee" or "RTIF Fee" means the fee established by each Participating Agency consistent with the RTIF Program and the Operating Agreement.
- I. "Regional Transportation Network" means the regional network of highways and arterials as identified in the RTIF Technical Report and which may be amended from time to time by SJCOG.
- J. "RTIF Capital Projects" or "Capital Projects" or "RTIF Project List" is the RTIF Program improvements and projects as identified in the RTIF Technical Report and which may be amended from time to time by SJCOG's adoption and amendment of a "RTIF Capital Projects Report."
- K. "RTIF Capital Projects Report" means the report adopted by SJCOG annually which identifies the RTIF Capital Projects as amended from time to time by SJCOG.
- L. "RTIF Operating Agreement" or "Operating Agreement" is the Regional Transportation Impact Fee Program Operating Agreement establishing the administration of the RTIF Program as adopted by each Participating Agencies and SJCOG which may be amended from time to time by the parties thereto.

- M. "RTIF Technical Report" means the San Joaquin County Regional Transportation Impact Fee RTIF Technical Report dated October 27, 2005, and prepared pursuant to California Government Code, Section 66000 et seq., the Mitigation Fee Act.
- N. "Residential Dwelling Unit" means a building or portion thereof which is designed primarily for residential occupancy by one family including single-family and multi-family dwellings. "Residential Dwelling Unit" shall not include hotels or motels.
- O. "Retail Project" means any Development Project that retailing merchandise, generally without transformation, and rendering services incidental to the sale of merchandise at a fixed point of sale as identified in the RTIF Land Use Fee Category Summary.
- P. "Single-Family Residential Unit" means the use of a parcel for only one residential dwelling unit as identified in the RTIF Land Use Fee Category Summary.

15.65.030 Authority for Adoption

This chapter is adopted under the authority of Title 7, Division 1, Chapter 5 of the California Government Code Sections 66000 et seq. (Ord. 1758 § 1 (part), 2005).

15.65.040 Collection of RTIF Program Fees

- A. Authority of the Public Works Director. The Public Works Director, or his/her designee, is hereby authorized to levy and collect the RTIF Program Fee and make all determinations required by this Ordinance.
- B. Payment of RTIF Program Fees. Payment of the RTIF Program Fees shall be as follows:
  - 1. The RTIF Program Fees shall be paid at the time of issuance of a building permit for the Development Project, or as otherwise required or permitted pursuant to Government Code section 66007.
  - 2. The amount of the RTIF Program Fees shall be the fee amounts in effect at the time of payment.
  - 3. RTIF Program Fees shall not be waived.
- C. Payment by all Development Projects. Except as otherwise expressly provided by this Ordinance, the RTIF Program Fee required hereunder shall be payable by:
  - 1. All Development Projects within the City for which building permits or other entitlements for Development Projects are issued on or after the effective date of this Ordinance, and
  - 2. All Development Projects within the City for which building permits or other entitlements for Development Projects were issued prior to the effective date of this Ordinance and which permits or entitlements were issued subject to a condition requiring the developer to pay a RTIF Program Fee to be imposed upon such Development Project within the City.

D. Exemptions from the RTIF Program Fee. The following Development Projects shall not be subject to the RTIF Program Fee:

1. The rehabilitation and/or reconstruction of any legal, residential structure and/or the replacement of a previously existing legal dwelling unit, including an expansion of an existing dwelling unit that does not create an additional dwelling unit.
2. The rehabilitation and/or reconstruction of any non-residential structure where there is no net increase in square footage. Any increase in square footage shall pay the established applicable fee rate for that portion of square footage that is new.
3. Development Projects for which an application for a vesting tentative map authorized by Government Code Section 66498.1 was deemed complete on or prior to the effective date of the introduction of this Ordinance.
4. Development Projects which are the subject of a development agreement entered into pursuant to Government Code section 65864 et seq. prior to the effective date of the adoption of this Ordinance, wherein the imposition of new fees are expressly prohibited by the development agreement, provided, however, that if the term of such a development agreement is extended after the effective date of this Ordinance, the RTIF Program Fee shall be imposed.

E. Future Development Agreements. All future development agreements entered into after the effective date of this Ordinance shall require the full payment of the RTIF Program Fee.

1. Payments for non-residential projects. For non-residential projects the amount of the fee imposed on the entire Development Project shall be determined based upon:
  - (a) The gross floor area; and
  - (b) The predominant use of the building or structure as identified in the building permit.
2. Payment for mixed use projects. For mixed land use projects, which are projects that have both residential and non-residential uses, the amount of the fee imposed on the entire Development Project shall be proportionally determined based on the following:
  - (a) The fee associated with the type of residence; and,
  - (b) The predominant use of the non-residential portion of the project.

F. Previously Paid RTIF Program Fees. In the event that RTIF Program Fees have previously been paid for an existing building which is a new Development Project with a new or different RTIF Fee category, the previously paid RTIF Program Fees for that existing building shall be credited against the amount of the RTIF Program Fee attributable to the new Development Project, up to the amount of the previously paid RTIF Program Fee. A rebate will not be granted if the change in land use represents a lower fee.

G. Reimbursements and Credits. In the event that RTIF Capital Projects are constructed by a developer in excess of the Development Project's RTIF Program Fee obligation or in lieu of

payment of RTIF Program Fees by a developer pursuant to an agreement between the developer and the City, the developer may be reimbursed or credited for future application for any costs based on the actual costs of construction of the RTIF Capital Project incurred by the developer in excess of the amount the RTIF Program Fees that apply to the Development Project.

#### 15.65.050 Fee Rate and Calculation

- A. Establishing the RTIF program fee. The amount of the RTIF program fee for development projects shall be consistent with the provisions of this ordinance and the RTIF technical report and shall be established by a resolution of the City Council.
- B. Annual adjustment. The RTIF Program Fee shall be automatically adjusted on an annual basis at the beginning of each fiscal year (July 1) based on the Engineering News Record 20 Cities Construction Cost Index.

#### 15.65.060 Administration of the RTIF Program

- A. RTIF account or RTIF funds. All fees collected pursuant to the RTIF Program Fee shall be deposited in a RTIF account or RTIF fund and shall not be commingled with other funds. The contents of this RTIF fund shall be designated solely for the purpose of contributing to the financing of the RTIF Capital Projects included in the RTIF Capital Projects Report and for the funding of incidental administrative costs. Any interest income earned on the RTIF fund shall also be deposited therein and shall only be expended for the purposes as set forth in this Ordinance.
- B. Prohibition on Interfund Transfers or Loans. Notwithstanding subsection (b)(1)(G) of section 66006 of the Government Code there shall be no interfund transfer, grant or loan of the RTIF Program Fees or RTIF fund or RTIF account to other City accounts, funds, programs or fees. However, the City may provide loans, grants or transfers of RTIF Program Fees to other Participating Agencies or SJCOG provided that such funds are consistent with the RTIF Program and used for the development or construction of RTIF Capital Projects.

#### 15.65.070 Existing City of Lodi Development Impact Mitigation Fee Program

- A. The City of Lodi Development Impact Mitigation Fee program pursuant to Municipal Code Title 15 Chapter 15.64 shall be adjusted on any future projects that are identified in the approved RTIF Project List to ensure continued compliance with the Fee Mitigation Act (Gov. Code §§ 66000 et seq.).

Section 2 - No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3 - Severability. If any one or more of the terms, provisions or sections of this Ordinance shall to any extent be judged invalid, unenforceable and/or avoidable for any reason whatsoever by a court of competent jurisdiction, then each and all of the remaining terms, provisions and sections of this Ordinance shall not be affected thereby and shall be valid and enforceable.

Section 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 5. This ordinance shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi with the names of the members voting for and against same, and shall be in force and take effect thirty days from and after its passage and approval.

Approved this \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
SUSAN HITCHCOCK  
Mayor

Attest:

SUSAN J. BLACKSTON  
City Clerk

State of California  
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. \_\_\_\_ was introduced at a regular meeting of the City Council of the City of Lodi held December 21, 2005, and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held \_\_\_\_\_, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. \_\_\_\_ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

SUSAN J. BLACKSTON  
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER  
City Attorney

CITY COUNCIL

SUSAN HITCHCOCK, Mayor  
BOB JOHNSON  
Mayor Pro Tempore  
JOHN BECKMAN  
LARRY D. HANSEN  
JOANNE L. MOUNCE

CITY OF LODI  
PUBLIC WORKS DEPARTMENT

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 333-6706  
FAX (209) 333-6710  
EMAIL [pwdept@lodi.gov](mailto:pwdept@lodi.gov)  
<http://www.lodi.gov>

BLAIR KING  
City Manager  
SUSAN J. BLACKSTON  
City Clerk  
D. STEVEN SCHWABAUER  
City Attorney  
RICHARD C. PRIMA, JR.  
Public Works Director

December 15, 2005

Mr. Andy Chesley  
San Joaquin Council of Governments  
555 E. Weber Avenue  
Stockton, CA 95202

Pennino & Associates  
1502 Keagle Way  
Lodi, CA 95242

SUBJECT: Introduce Ordinance Adding Chapter 15.65 to the Lodi Municipal Code  
Establishing the San Joaquin Regional Transportation Impact Fee (RTIF)  
Program and Set Public Hearing for January 4, 2006, to Consider Adoption  
of the Fee

Enclosed is a copy of background information on an item on the City Council agenda of  
Wednesday, December 21, 2005. The meeting will be held at 7 p.m. in the  
City Council Chamber, Carnegie Forum, 305 West Pine Street.

This item is on the regular calendar for Council discussion. You are welcome to attend.

If you wish to write to the City Council, please address your letter to City Council,  
City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the  
mail. Or, you may hand-deliver the letter to City Hall, 221 West Pine Street.

If you wish to address the Council at the Council Meeting, be sure to fill out a speaker's  
card (available at the Carnegie Forum immediately prior to the start of the meeting) and  
give it to the City Clerk. If you have any questions about communicating with the  
Council, please contact Susan Blackston, City Clerk, at (209) 333-6702.

If you have any questions about the item itself, please call me at (209) 333-6759.



for: Richard C. Prima, Jr.  
Public Works Director

RCP/pmf

Enclosure

cc: City Clerk